The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

Judge Tyler

4

ACTS AND LAWS

PASSED BY THE

LEGISLATURE

OF THE

STATE OF VERMONT,

AT THEIR

ADJOURNED SESSION

AT

WINDSOR,

IN JANUARY, ONE THOUSAND EIGHT HUNDRED AND FOUR.

Windsor:

PRINTED BY *ALDEN SPOONER,*

Printer to the STATE of VERMONT, for the Eastern District.

1804.

VC
122
804

Acts & Laws.

Chapter 1.

An act aſſeſſing a tax on the county of *Eſſex*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be and hereby is aſſeſſed a tax of five mills on the dollar, on the liſt of the polls and rateable eſtate of the inhabitants of the county of *Eſſex*, for the year one thouſand eight hundred and three; for the purpoſe of diſcharging the demands againſt ſaid county, to be paid in orders iſſued by the county court for ſaid county, or in hard money, to be collected and paid into the Treaſury of ſaid county, by the firſt day of June next.

Tax of 5 mills on the dollar on Eſſex county.

SEC. 2. *And it is hereby further enacted, by the authority aforeſaid*, That the treaſurer of ſaid county, ſhall have the ſame powers in iſſuing warrants and extents, for the collection of ſaid tax as is given to the ſtate's treaſurer; and the firſt conſtables of the ſeveral towns, within ſaid county, are hereby empower in the collection of ſaid tax, in the ſame manner

County Treaſurer's power.

Conſtables power.

as they are by law empowered in the collection of ſtate taxes.

Paſſed January 26, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 2.

An act declaring the aſſent of this ſtate to a certain article of amendment to the Conſtitution of the United States.

Amendment to the conſtitution of the U.S. ratified.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Amendment to the Conſtitution of the United States, providing for a diſcrimination of the perſons voted for as Preſident and Vice-Preſident, and other purpoſes, propoſed by the eighth Congreſs of the United States, at the firſt ſeſſion of that body, begun and holden at the City of *Waſhington*, in the territory of *Columbia*, on Monday the ſeventeenth of October, one thouſand eight hundred and three, in the words following, (viz.)

"RESOLVED, by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs Aſſembled, two thirds of both houſes concurring, that in lieu of the third paragraph of the firſt ſection, of the ſecond article of the Con-

ſtitution of the United States, the following be propoſed as an amendment to the Conſtitution of the United States, which when ratified by three fourths of the Legiſlatures of the ſeveral States, ſhall be valid to all intents and purpoſes, as part of the ſaid Conſtitution, to wit:—

"The Electors ſhall meet in their reſpective States, and vote by ballot for Preſident and Vice-Preſident, one of whom at leaſt ſhall not be an inhabitant of the ſame ſtate with themſelves; they ſhall name in their ballots the perſon voted for as Preſident, and in diſtinct ballots, the perſon voted for as Vice-Preſident; and they ſhall make diſtinct liſts for all perſons voted for as Preſident, and of all perſons voted for as Vice-Preſident, and of the number of votes for each, which liſts they ſhall ſign and certify, and tranſmit ſealed to the ſeat of the government of the United States, directed to the Preſident of the Senate; the Preſident of the Senate ſhall, in the preſence of the Senate, and Houſe of Repreſentatives, open all the certificates, and the votes ſhall then be counted:— The perſon having the greateſt number of votes for Preſident, ſhall be the Preſident, if ſuch number be a majority of the whole number of electors appointed: and if no perſon have ſuch majority, then from the perſons having the higheſt numbers not exceeding three, on the liſt of

thoſe voted for as Preſident, the Houſe of Repreſentatives ſhall chooſe immediately by ballot, the Preſident—but in chooſing the Preſident, the votes ſhall be taken by ſtates, the repreſentation from each ſtate having one vote; a quorum for this purpoſe ſhall conſiſt of a member or members from two thirds of the ſtates, and a majority of all the ſtates ſhall be neceſſary to a choice. And if the Houſe of Repreſentatives ſhall not chooſe a Preſident, whenever the right of choice ſhall devolve upon them, before the fourth day of March next following, then the Vice-Preſident, ſhall act as Preſident, as in the caſe of the death or other conſtitutional diſability of the Preſident.

"The perſon having the greateſt number of votes as Vice-Preſident, ſhall be the Vice-Preſident if ſuch number be a majority of the whole number of electors appointed, and if no perſon have a majority, then from the two higheſt numbers on the liſt, the Senate ſhall chooſe the Vice-Preſident; a quorum for the purpoſe ſhall conſiſt of two thirds of the whole number of Senators, and a majority of the whole number ſhall be neceſſary to a choice.

"But no perſon conſtitutionally ineligible to the office of Preſident, ſhall be eligible to that of Vice-Preſident of the

United States"—Be, and the ſame is hereby ratified.

Paſſed January 30, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 3.

An act appointing a committee to receive propoſals for building a Work Houſe.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Solomon Wright, Arad Hunt, Arunah W. Hyde, Alden Spooner, Gamaliel Painter, Thaddeus Tuttle, Joſiah Dana, John Cameron, Benjamin Holmes, Samuel C. Crafts*, and *Daniel Dana*, be, and they hereby are appointed, and ſeverally authoriſed to receive propoſals from any perſon or perſons whatever, to build a Work-Houſe, or State Priſon in this State.

Committee to receive propoſals for building a Work Houſe.

SEC. 2. *And it is hereby further enacted*, That any perſon or perſons making ſuch propoſals, ſhall make the ſame in writing, to either of the aforeſaid perſons; and ſuch propoſals ſhall ſpecify the place where they will build, the dimenſions of the building, the meterials of which they

What the propoſals are to certify.

will build, the manner in which the work ſhall be executed, the conditions on which they propoſe to build, and the time when the ſame ſhall be completed. And it ſhall be the duty of the perſons appointed by this act, to make report in writing to this Legiſlature, at their next ſeſſion, of all ſuch proproſals.

Committee to make report.

SEC. 3. *And it is hereby further enacted*, That it ſhall be the duty of the Secretary of State to cauſe this act to be publiſhed in all the newſ-papers printed in this ſtate, three weeks ſucceſſively, as ſoon as may be, after the riſing of this Legiſlature.

Act to be publiſhed.

Paſſed January 31, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 4.

An act allowing the defendants and reſpondents in proſecutions on libels to give the truth of the words contained in ſuch libels, in evidence, under the general iſſue, *not guilty*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That whenever any perſon ſhall be indicted, or informed againſt, for uttering and pub-

liſhing any libel, the reſpondent may plead the general iſſue, *not guilty*, and give in evidence to the Jury, the truth of the words contained in ſuch ſuppoſed libel. And if the Jury find the words contained in ſuch ſuppoſed libel, *true*, they ſhall bring in their verdict, NOT GUILTY; any law, uſage, or cuſtom to the contrary notwithſtanding.

Truth may be given in Evidence in proſecutions on libels.

SEC. 2. *And it is hereby further enacted*, That if any perſon ſhall be indicted, or informed againſt, for defaming the civil authority of this ſtate, in violation of the twenty ſixth ſection of an act entitled, "An act for the puniſhment of certain capital and other high crimes and miſdemeanors," the reſpondent may plead the general iſſue, not guilty, and give in evidence to the jury, the TRUTH of the words ſet forth in ſuch indictment and information. And if the truth of ſuch words, ſo ſet forth in ſuch indictment or information, are proved to the ſatisfaction of the jury, they ſhall bring in their verdict not guilty; any law, uſage, or cuſtom to the contrary notwithſtanding.

Alſo, in proſecutions for defaming authority.

Paſſed January 31, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 5.

An act to empower the widow *Ann Taylor*, late the widow *Ann Miller*, surviving Executrix of *Eleazer Miller*, late of the city of *New-York*, deceased, to sell and convey lands in *Hubbardton*, in the county of *Rutland*.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the said widow *Ann Taylor*, as Executrix of the said *Eleazer Miller*, be, and hereby is empowered to sell and convey certain lands, in *Hubbardton*, aforesaid, with the appurtenances, which were levied upon, and set off on execution, in favor of the said *Eleazer Miller*, in his lifetime, against *Nathan Rumsey*; and which lands were of the estate of the said *Eleazer*, at the time of his decease.

Executrix of E. Miller, may sell and deed lands.

Passed January 31, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Sec'ry*.

Chapter 6.

An act in addition to an act, entitled, "*An act constituting the Supreme Court of Judicature, and County Courts, defining their powers, and regulating Judicial proceedings.*"

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That it ſhall be the duty of the ſeveral clerks of the Supreme and County Courts, and Juſtices of the Peace, within this ſtate, at the time of iſſuing executions, on any judgments rendered by ſaid courts, reſpectively, in action of debt, covenant, contract, promiſe, or jail bond, to inſert the ſame on ſuch executions.

Clerks of S. & C. Court and Juſtices of the Peace, to indorſe on execution &c.

Paſſed January 31, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 7.

An act eſtabliſhing the Jail of the county of Eſſex, a priſon for receiving and ſafe keeping priſoners committed under the authority of the *United States*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the common jail in the county of *Eſſex*, in addition to the purpoſes for which it is now uſed, ſhall be a jail for receiving and ſafe keeping ſuch priſoners as ſhall be committed under the authority of the *United States*, until they be diſcharged by due courſe of law.

Eſſex county jail, U. S. priſoners to be confined therein.

Jail keepers duty.

SEC. 2. *And it is hereby further enacted*, That the keeper of said jail is hereby required to receive and keep such prisoners, in like manner, and under the same restrictions, reservations, provisions and accountability, as are contained in the eighteenth and nineteenth sections (and the provisional clause thereto annexed) of an act entitled, "An act relating to gaols and gaolers, and for the relief of poor persons confined therein," passed the ninth day of March, one thousand seven hundred and ninety seven.

Passed January 31, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

****

Chapter 8.

An act altering the line between *Morgan*, alias *Caldersburgh*, in the county of *Orleans*, and *Wenlock*, in the county of *Essex*.

Preamble.

WHEREAS the easterly line of Navy, *continued, without variation, as now provided by law, for the county line, between the counties of* Orleans *and* Essex, *divides a range of lots, in the town of* Morgan, *alias* Caldersburgh, *in the county of* Orleans, *and lays a part of said*

lots over into Wenlock, *in the county of* Eſſex,—Therefore,

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the lot line between number fourteen and number fifteen, in the allotment of *Morgan*, alias *Calderſburgh*, be, and the ſame is hereby declared to be, the South Eaſterly line of *Morgan*, and the North Weſterly line of *Wenlock*, and the line between the aforeſaid counties.

Wenlock and Morgan diviſional line deſignated.

Paſſed January 31, 1804.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 9.

An act in addition to an act, entitled, "*An act regulating town meetings, and the choice and duty of town officers.*"

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the ſeveral towns within this ſtate, at their March meetings annually, may make ſuch Bye-laws and regulations, to prevent Rams going into the incloſure of any perſon or perſons, except that of their owners, as will beſt conduce to the increaſe, and breed of Sheep, in this ſtate: any law,

Towns may make bye laws reſpecting rams.

uſage or cuſtom to the contrary notwithſtanding.

Paſſed January 31, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 10.

An act for the relief of *Alexander Young*.

Preamble.

WHEREAS it appears that John Fraſer *of* Ferriſburgh, *in the county of* Addiſon, *to diſcharge certain debts, conveyed, by deeds, certain lands, in fee, lying and being in ſaid* Ferriſburgh, *unto* John Young, *of the city of* Quebec, *in the province of* Lower-Canada, *an alien and ſubject of his Britannic Majeſty. And whereas the ſaid* John Young *hath, by deed, conveyed the ſame lands in fee, unto* Alexander Young, *of the ſame city of* Quebec, *who is alſo an alien and ſubject of his Britannic Majeſty. And whereas, by the laws of Nations, the ſaid* Alexander Young *cannot hold lands in this ſtate, unleſs by an Act of the Legiſlature thereof.*

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the ſaid *John Young* and *Alexander Young*, may, and ſhall, ſeverally, hold the ſaid

lands, ſo, by deed, as aforeſaid, to them reſpectively conveyed, in as full and ample manner, as though they had been citizens of this State. And any deed of conveyance, or deviſe, which the ſaid *John Young*, or *Alexander Young* already hath made, or ſhall hereafter make, conveying the ſame lands, or any part thereof, ſhall, as effectually convey the ſame lands, as though the ſaid *John Young* and *Alexander Young* had been citizens of this ſtate. And the heirs of the ſaid *Alexander Young* ſhall inherit all ſuch eſtate in the ſaid lands, of which the ſaid *Alexander Young* may die ſeized, in as full and ample manner, as though the heirs of the ſaid *Alexander Young*, were citizens of this ſtate. *Provided nevertheleſs*, That nothing in this Act ſhall be conſtrued to effect the rights of any perſon or perſons to ſaid premiſes, which have accrued, ſince the ſaid conveyance of the ſaid *Fraſer* to the ſaid *John Young*.

John and Alexander Young, may hold or convey certain lands in this ſtate.

Paſſed January 31, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter II.

An act to relieve the inhabitants of *Burke*, in a certain caſe therein mentioned.

Preamble.

WHEREAS it appears to this General Assembly that the warrant for warning the first annual meeting, held in A. D. one thousand seven hundred and ninety-eight, in the town of Burke, *is lost, by reason of which, doubts have arisen, whether all the acts and proceedings of said meeting are not invalid,* to remedy which,

Burke votes & proceedings made valid.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That the votes and proceedings of the inhabitants of the town of *Burke,* had or done in their annual town meeting held in seventeen hundred and ninety-eight, be, & they shall be as good and valid in law, to all intents and purposes, as though such warrant, or warning had not been lost as aforesaid.

Passed January 31, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary.*

Chapter 12.

An act appointing a Committee to lay out and survey a public County Road, through *Clarendon, Tinmouth, Danby* and *Dorset.*

WHEREAS a number of the inhabitants of the towns of Clarendon, Tinmouth,

Danby *and* Dorſet, *have by their petition repreſented to this Aſſembly, that conſiderable alterations are neceſſary in the public County Road leading through ſaid towns from* Rutland *to* Mancheſter, *and have prayed that a diſintereſted committee may be appointed to lay out and ſurvey ſuch road through ſaid towns, and it appearing reaſonable and neceſſary to this Aſſembly, that the ſame ſhould be done,*—Therefore, Preamble.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Nathaniel Woods, jun. Caleb Hendee, jun.* and *John Shumway*, Eſquires, be, and they are hereby appointed a committee, with full power to lay out, and ſurvey a public county road, at leaſt four rods wide, through the towns as aforeſaid; Beginning at *Rutland* court houſe, from thence through the weſterly part of *Clarenden*, thence through *Tinmouth*, *Danby* and *Dorſet*, to *Mancheſter* court houſe, ſo as beſt to accommodate the public. And ſaid committee, or a major part of them, are hereby directed to make out accurate ſurveys of ſuch road, by them laid through each of the towns aforeſaid, and lodge them with the reſpective town clerks of ſuch towns, who are hereby directed to record the ſame in their reſpective offices, at the expence of their reſpective towns. And ſuch road ſo laid out and recorded as a-

Committee to lay a road from Rutland to Mancheſter.

Towns thro' which ſaid road is to run.

Road to be ſurveyed & recorded.

foreſaid, ſhall be the public county road through ſaid towns, and ſhall be opened by the ſelectmen, of the reſpective towns, on or before the firſt day of September next, and the ſelectmen of the ſeveral towns aforeſaid, are hereby empowered and directed to ſet over any old road, or to proceed in the ſame way in the aſſeſſment of damages, as if the ſaid road had been laid by the ſaid ſelectmen of ſuch towns reſpectively: And ſuch road ſhall be made and kept in repair, as required by the laws of this ſtate directing the mode of making and repairing highways.

Selectmen to open ſaid road.

Damages how aſſeſſed.

Provided, and it is hereby further enacted, That the expence of laying-out and ſurveying ſuch road, ſhall be paid by the perſons who ſhall employ the committee in ſuch ſervice; and any perſon or perſons ſhall have liberty to call the committee aforeſaid, to view any ground they pleaſe, at their own expence.

Expences how paid.

Paſſed January 31, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 13.

An act granting relief to *Abel Spencer* and *James Claghorn*, in a certain caſe therein mentioned.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That *Abel Spencer* and *James Claghorn*, are hereby releaſed and diſcharged from the payment of a certain note, given to the treaſurer of this ſtate, for a fine and coſt of ſuit, ariſing from a proſecution had by this ſtate againſt *Solomon Spafford*, in the year one thouſand ſeven hundred and ninety-one, except ſo much of ſaid note as was given for the payment of coſt.

A. Spencer & J. Claghorn diſcharg'd from the payment of a certain note.

Provided nevertheleſs, That if the ſaid *Abel* and *James* do not pay to the ſtate's attorney of *Rutland* county, ſo much of ſaid note as was given for ſaid coſt, by the firſt day of May next, they ſhall take no benefit by this act.

Proviſo.

Paſſed January 31, 1804.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 14.

An act in addition to an act, entitled "*An act to ſet out a ſtage or poſt road from the court-houſe in* Vergennes, *to the court-houſe in* Burlington," paſſed February the eighteenth, one thouſand ſeven hundred and ninety ſeven; and alſo in addition to an act, entitled "*An*

act appointing a committee to lay a poſt or ſtage road from Onion-River *to* Canada *line.*"

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That *David Ruſſell, Joſhua Iſham* and *Benjamin Harrington,* be, and they hereby are appointed a committee to lay out and ſurvey a poſt or ſtage road from the court-houſe in *Burlington,* to meet ſaid poſt or ſtage road, which runs from ſaid *Onion River* to *Canada* line. And ſaid committee ſhall govern themſelves, in all things, according to the directions of the aforeſaid acts, and ſhall receive pay for their ſervices, from the town treaſury of the town of *Burlington,* if the town will vote to pay it; if not, they ſhall be paid by the perſons applying to them to do the ſervice. And ſaid road ſhall not be altered only in the manner pointed out by ſaid acts.

Committee to lay a road from Burlington C. Houſe to Onion River.

Paſſed February 1, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 15.

An act appointing a new Collector of land tax in *Montgomery.*

WHEREAS the Legiſlature of the State of Vermont, *at their ſeſſion, in October, one thouſand ſeven hundred and ninety-eight, paſſed an act aſſeſſing a tax of two cents per acre on all the lands in the townſhip of* Montgomery, *in the county of* Franklin, *for the purpoſe of making and repairing roads, in ſaid townſhip; and appointed* Samuel Barnard, *Eſq. collector, to collect ſaid tax, who, wholly declines accepting ſaid appointment.*

Preamble.

Therefore,

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That *Stephen Royce,* Eſq. of *Berkſhire,* be, and he is hereby appointed a collector, in the room and ſtead of the ſaid *Samuel Barnard,* to collect ſaid tax. And any juſtice of the peace, within and for the county of *Franklin,* is hereby authoriſed and directed, to iſſue his warrant to the ſaid *Stephen,* to collect ſaid tax. And the ſaid *Stephen* is hereby veſted with the ſame powers, with which the ſaid *Samuel* was veſted; and is ſubjected to the ſame reſtrictions and regulations, as provided and directed in the aforementioned act.

New collector on Montgomery land tax appointed.

Paſſed February 1, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 16.

An act authoriſing the Governor of this State to iſſue a new charter of *Montpelier*.

Preamble.

WHEREAS the Legiſlature of this ſtate, on the twenty-firſt day of October, A. D. one thouſand ſeven hundred and eighty, granted to Timothy Bigelow, *and his aſſociates, to the number of ſixty, a townſhip of land by the name of* Montpelier. *And whereas it appears by the records of the book of charters, that on the fourteenth day of Auguſt, A. D. one thouſand ſeven hundred and eighty one, a charter of ſaid townſhip was iſſued to* Timothy Bigelow, Bethuel Waſhburn, John Waſhburn, Elijah Rood, Thomas Chittenden, George Foot, Eliſha Smith, Jedidiah Strong, James Preſcott, Jacob Brown, Gideon Ormſby, James Mead, John W. Dana, Timothy Brownſon, Gideon Horton, Matthew Lyon, Samuel Horsford, William Smith, Ithamor Horsford, Jacob Spear, Jonas Galuſha, Mary Galuſha, Noah Smith, Moſes Robinſon, Moſes Robinſon, jun. John Faſſett, jun. Jonas Fay, Abiathar Waldo, Thomas Tolman, Timothy Stanley, Joſeph Dagget, Ira Allen, Lyman Hitchcock, James Gamble, Alanſon Douglaſs, Adam Martin, the heirs of

Iſaac Naſh, Jonathan Brace, Howel Woodbridge, James Brace, Henry Walbridge, jun. Joſeph Fay, William Goodrich, Sybil Goodrich, Thomas Matterſon, Amos Waters, David Galuſha, Jacob Davis, Ephraim Starkweather, Shubael Peck, Jacob Davis, jun. Thomas Davis, John Ramſdell, Iſſachar Reed, Iſaac G. Lanſingh, Ebenezer Davis, Levi Davis, Aſa Davis, Ebenezer Stone, *and* Samuel Allen; *which ſaid Charter is not iſſued in the uſual form, and does not contain either a deſcription of the land granted, or a reſervation or appropriation of the public rights therein mentioned.*

And whereas it appears that on the ſame fourteenth day of Auguſt, A. D. one thouſand ſeven hundred and eighty one, the then *Governor of this ſtate iſſued another charter of the town of* Montpelier, *to the grantees named above, inſerting the names of five other grantees, to wit,* Ebenezer Waters, Ebenezer Upham, Eliſha Wales, Eliſha Smith Wales, *and* Joel Frizzle, *which ſaid charter is recorded in the proprietors book of records, and is variant from the original grant, and does not contain the bounds of ſaid townſhip.*

And, whereas the grantees, named in the laſt mentioned charter, have proceeded to

allot the said township, and have settled the same agreeable thereto; and a perfect & entire acquiescence therein taken place; and the inhabitants and landowners of the said town, having petitioned this legislature for a confirmation of their title and rights.—Therefore,

SECTION 1.

Gov. to issue a new charter of Montpelier.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the Governor of this state, be, and he is hereby authorised and empowered, to issue a new charter of the town of *Montpelier*, to the grantees named in the said last mentioned charter, being sixty-five in number, and whose names are inserted in the preamble to this act; reserving five rights for public use, as mentioned in said charter.

Said charter to be valid.

SEC. 2. *And it is hereby further enacted*, That the said charter, when recorded, shall be as valid in law, to vest the title in the said grantees, and those who hold under them, and to confirm them in all their allotments and proceedings in dividing said land into severalty, to all intents and purposes the same, as if the original grant had been made to them, and a charter had issued conformably thereto.

Passed February 1, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

Chapter 17.

An act to revive an act laying a Tax on *Williſton.*

WHEREAS the Legiſlature, at their ſeſſion at Newbury, *in October, one thouſand eight hundred and one, paſſed an act laying a tax of two cents per acre on all the lands in that part of* Williſton, *county of* Chittenden, *lying eaſt of the dividing line between the ſaid town of* Williſton, *and* Burlington, *as eſtabliſhed by an act, entitled* "An act deſcribing the diviſion line between *Burlington* and *Williſton*," *paſſed the eighth day of November, one thouſand ſeven hundred and ninety-ſeven, and weſt of the chartered line of the ſaid town of* Williſton. *And, whereas the committee appointed to ſuperintend the expenditure of ſaid tax, have neglected to notify the ſame agreeably to law.*—Therefore, Preamble.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the act paſſed the third day of November, one thouſand eight hundred and one, laying a tax of two cents on each acre of land, on a part of the ſaid town of *Williſton*, as deſcribed in ſaid act, for the purpoſe of making and repairing roads and building bridges, be, and the ſame is, in all its parts, revived, and brought into Williſton land tax revived.

force and effect, in the ſame manner as though it had been paſſed and enacted at the preſent ſeſſion of the legiſlature.

Paſſed February 1, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 18.

An act appointing a committee to lay a county road, from *Guilahall*, in the county of *Eſſex*, to *Danville*, in the county of *Caledonia*.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Jonathan Elkins, jun. Hains French*, and *Samuel Gates*, are hereby appointed a committee, to explore and lay out a county road, from *Guildhall* aforeſaid, to ſaid *Danville*, in the moſt direct courſe, or moſt proper place. And it ſhall be the duty of ſaid committee, to ſurvey ſaid road, and make a return of the ſame, to the ſeveral town clerks, of the towns through which ſaid road ſhall paſs; or to the county clerks of ſaid counties of *Eſſex* or *Caledonia*, if ſuch towns are not organized.

Committee to lay a road from Guildhall to Danville.

Road to be ſurveyed and recorded.

SEC. 2. *And it is hereby further enacted*,

That it ſhall be the duty of ſaid committee, before they enter on the buſineſs of their appointed, to give notice to the proprietors and landowners of the ſeveral towns, through which ſaid road will probably paſs, of the time when they will attend to ſaid buſineſs, by publiſhing the ſame in the *Green Mountain Patriot*, printed at *Peacham*, three weeks, at leaſt, before the time thus appointed for entering on ſaid buſineſs. And it ſhall be the duty of ſaid committee to perform ſaid ſervice, previous to the firſt day of July next.

Committee to notify the time when they will lay ſaid road.

SEC. 3. *And it is hereby further enacted*, That ſaid committee, after performing ſaid ſervice, ſhall be allowed therefor, one dollar and fifty cents each per day; to be paid by the ſeveral towns through which ſaid road ſhall paſs, in ſuch proportion to each town, as ſaid committee ſhall judge equitable.

Compenſation to ſaid Com.

Paſſed February 1, 1804.

A true Copy.

Atteſt. DAVID WING, Jun. *Secretary.*

Chapter 19.

An act in addition to, and for the reviving an act entitled "*An act granting to* Zacheus Peaſlee, Samuel Hickok, Thaddeus Tuttle, Moſes Catlin, Ebenezer T.

Engleſby, *and their aſſociates, the excluſive privilege of erecting a wharf and ſtore houſe at* Burlington Bay, *in the county of* Chittenden, *for the term of twenty-five years,*" paſſed November the twelfth, A. D. one thouſand eight hundred and two.

Preamble.

WHEREAS the time limited by ſaid act for the firſt meeting of the corporation, expired on the firſt Monday of January, A. D. one thouſand eight hundred and three, without ſaid meeting being holden, whereby ſaid proprietors have loſt the benefit of ſaid act.

SECTION 1.

Act, Burlington-Bay wharf company, revived.

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That the act entitled "*An act granting to* Zacheus Peaſlee, Samuel Hickok, Thaddeus Tuttle, Moſes Catlin, Ebenezer T. Engleſby, *and their aſſociates, the excluſive privilege of erecting a wharf and ſtore houſe at* Burlington Bay, *in the county of* Chittenden, *for the term of twenty-five years,*" paſſed November the twelfth, A. D. one thouſand eight hundred and two, be, and the ſame is hereby revived, and declared to be of the ſame validity, in all its operations and effects, as if it had been paſſed and enacted the preſent ſeſſion of the legiſlature.

SEC. 2. *And it is hereby further enacted,*

That the exclusive right of keeping said wharf and store in the same manner as is contemplated, in and by said act is granted and extended to the said *Zacheus Peaslee, Samuel Hickok, Thaddeus Tuttle, Moses Catlin, Ebenezer T. Englesby*, and their associates, for the term of five years from and after the expiration of the said twenty-five years, mentioned in said act, under the same provisions, regulations and restrictions, as is provided and directed, in and by said act for the said twenty-five years.

Application to the [illegible]

SEC. 3. *And it is hereby further enacted*, That the said corporation, hold their first meeting at the court house in said *Burlington*, on the first Monday of March next, and they are hereby fully authorised to transact all and singular the business which they were empowered to and by said act, at their proposed first meeting on the first Monday in January, A. D. one thousand eight hundred and three.

First meeting of the corporation when and where holden.

Passed February 1, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

Chapter 20.

An act remitting a sum of money to the

town of *Weathersfield*, in the State of *Vermont*.

Preamble.

WHEREAS through a miſtake in the grand liſt of ſaid town for the year one thouſand eight hundred and three, a warrant has iſſued from the treaſurer of ſaid State, to the firſt conſtable of ſaid town for the collection of thirty-five dollars, forty five cents and four mills, more than the juſt proportion of the ſtate tax againſt ſaid town—Therefore,

Treaſ. to credit Weathersfield D. 35 45 4.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Treaſurer of this State ſhall give credit to the ſaid town of *Weathersfield*, for the ſaid ſum of *thirty five dollars* and *forty five cents* and *four mills*, and allow the ſame to the ſaid firſt conſtable on ſettlement of the ſtate tax againſt ſaid town.

Paſſed February 2, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 21.

An act remitting a ſum of money to the town of *Benſon*, in the State of *Vermont*.

WHEREAS through a miſtake in the

Grand Liſt of ſaid town for the year one thouſand eight hundred and two, a warrant has iſſued from the Treaſurer of ſaid State, to the firſt conſtable of ſaid town, for the collection of ten dollars, fifty cents *and* eight mills *more than the juſt proportion of the State tax againſt ſaid town, for ſaid year*—Therefore, Preamble.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the Treaſurer of this State ſhall give credit to the ſaid town of *Benſon*, for the ſaid ſum of ten dollars, fifty cents and eight mills, and allow the ſame, to ſaid firſt conſtable, on ſettlement of the ſtate tax, againſt ſaid town, for the year one thouſand eight hundred and two. Treaſurer to credit Benſon, D. 10 50 8.

Paſſed February 2, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 22.

An act remitting a ſum of money to the town of *Tinmouth*, in the State of *Vermont*.

WHEREAS, through a miſtake in the grand Liſt of the ſaid town, for the year one thouſand eight hundred and three, a warrant has iſſued from the Treaſur- Preamble.

er of said State, to the first constable of said town, for the collection of eleven dollars *and* five cents, *more than the just proportion of the State Tax against said town, for said year*—Therefore,

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the Treasurer of this State shall give credit to the said town of *Tinmouth*, for the said sum of eleven dollars and five cents, and allow the same to said first constable, on settlement of the State Tax against said town, for the year one thousand eight hundred and three.

Treasurer to cred. Tinmouth D. 11 05.

Passed February 2, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary.*

Chapter 23.

An act laying a tax of Two Cents per acre on the township of *Bridgwater*, in the County of *Windsor*, and State of *Vermont*, for the purposes therein mentioned.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is granted a tax of two cents per acre, on each acre of land

in the townſhip of *Bridgwater*, in the county of *Windſor*, public lands excepted, for the purpoſe of making roads and building bridges in ſaid town, to be expended under the direction of *Phinehas Williams, junior*, *Benjamin Perkins*, and *James Topliff*, who are hereby appointed a Committee to ſuperintend the collection and expenditure of ſaid tax: And that *Phinehas Williams* of *Woodſtock*, and *John Fuller* of *Sherburne*, are appointed to join with the ſaid committee for the purpoſe of looking and laying out a road from *Woodſtock* to *Sherburne*, and that ſaid tax be laid out and expended on ſaid road laid out by ſaid committee. And any Juſtice of the Peace, within and for the county of *Windſor*, is hereby authoriſed and directed to iſſue his warrant to *Joſeph Hawkins*, of ſaid *Bridgwater*, who is hereby appointed a collector to collect ſaid tax.

Bridgwater land tax.

SEC. 2. *And it is hereby further enacted*, That the ſaid committee and collector be, and they are hereby directed, in the collection, expenditure, and accounting for the monies raiſed by ſaid tax, to conform themſelves in all things, to the directions and proviſions of the general ſtatutes of this ſtate, in ſuch caſe made and provided.

Com. and Coll. directions.

Paſſed February 2, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 24.

An act altering the name of the town of *Bromley* to that of *Peru*.

Bromley altered to Peru.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That from and after the rising of this Assembly, the town of *Bromley*, in the county of *Bennington*, shall be called and known by the name of *Peru*. *Provided*, that in all advertisements respecting lands in said town, for the term of three years, from the passing of this act, said town shall be called *Peru, alias Bromley*.

Proviso.

Passed February 3, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

Chapter 25.

An act to compel the managers of the *Green Mountain Road Lottery*, to draw the same, or otherwise compensate the purchasers of tickets.

Preamble.

WHEREAS it appears to this Legislature, that an injury is done to the purchasers of tickets in the Green Mountain Road Lottery, *granted by the Legislature in the year one thousand seven hundred and ninety-six, by the delay of the managers*

to draw the ſame, or refund to the purchaſers of tickets their money:

Therefore,

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the managers of ſaid lottery, be, and they are hereby directed, to proceed publicly to complete the drawing of ſaid lottery in good and legal form, agreeably to the ſcheme, by them heretofore publiſhed, by the firſt day of May next, and that they give notice of the time when, and the place where, they will attend to complete the drawing of ſaid lottery, by publiſhing the ſame in the *Vermont Gazette* at leaſt two weeks before the time appointed for ſuch drawing; and it ſhall be the duty of the ſaid managers to publiſh a true liſt of all the prizes already drawn, and of thoſe which ſhall hereafter be drawn, in ſaid lottery, and the numbers to which they are reſpectively drawn, in the aforeſaid Gazette, by the firſt day of June next. And if the ſaid managers ſhall neglect to publiſh and draw the ſaid lottery, in manner as is herein before directed, they ſhall forfeit all the privileges contained in the act granting ſaid lottery, and be further liable to pay to the purchaſers of any ticket in ſaid lottery the full price of ſaid ticket, with intereſt from the time of purchaſe.

Managers of Green Mountain Lottery directed to draw the ſame.

Prizes to be publiſhed.

Penalty.

SEC. 2. *And it is hereby further enacted*, That if any perſon or perſons are indebted to the ſaid managers, for any ticket or tickets, by note or otherwiſe, and the ſame remain unpaid for the term of thirty days, from and after the publication of the prizes, drawn in ſaid lottery, as aforeſaid, ſuch debtor ſhall be liable in an action brought to recover payment for ſuch ticket, ſold as aforeſaid, to pay coſt, as is by law directed in other civil actions.

Coſt to be taxed in actions bro't for payment of tickets

Paſſed February 3, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 26.

An act in addition to, and in alteration of "*An act laying a tax of four cents per acre on the town of* Jamaica," paſſed October twenty-eighth A. D. one thouſand eight hundred and three.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the place for building the bridge over *Weſt River*, contemplated in the aforeſaid act, ſhall be erected at ſuch place in ſaid town, as the committee named in ſaid act ſhall direct: any thing in the afore-

Jamaica land tax addition to.

ſaid act to the contrary notwithſtanding.

Paſſed February 3, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 27.

An act directing the treaſurer of this ſtate to pay the debenture of the Legiſlature of the ſtate of *Vermont*, for the preſent ſeſſion.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the treaſurer of this ſtate, be, and he is hereby directed to iſſue his certificates to the Lieutenant Governor, the members of the Council, the members of the General Aſſembly, the officers of the Council, and of the General Aſſembly, together with ſuch contingent expenſes as may be allowed; certifying the ſum due to each perſon, agreeably to the debentures, which ſhall be paſſed for the above purpoſe:—which certificates ſo iſſued, ſhall bear an intereſt of ſix per cent. per annum, and be received into the treaſury on the payment of taxes; and ſhall alſo be redeemed by the ſaid treaſurer in money, whenever he may have any money in the treaſury.

Treaſurer to iſſue certificates for the debentures of the preſent ſeſſion.

On intereſt.

Paſſed February 3, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 28.

An act empowering the Judges of the county court of the county of *Caledonia*, to audit and allow certain accounts.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the Judges of the county court, of the county of *Caledonia*, be, and they are hereby authoriſed to audit and allow, in the accounts of the committee, to ſuperintend the expenditure of a land tax of three cents per acre on the town of *Danville*, aſſeſſed by the Legiſlature, at their October ſeſſion A. D. one thouſand eight hundred and two, the reaſonable charges which ſaid committee ſhall exhibit, of monies expended, or ſervices rendered, by the inhabitants of the ſaid town of *Danville*, for the late ſettlement of their proprietary diſputes, and in obtaining their new charter; in the ſame manner as thoſe, which have been already allowed, for the ſervices of the board of commiſſioners, before whom the ſaid diſputes were ſubmitted and ſettled.

Judges of Caledonia. County Court to audit certain acc'ts.

Paſſed February 4, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 29.

An act to enable the proprietors and land-

owners of the town of *Essex*, to divide their lands into severalty.

WHEREAS the Proprietors of Essex, *in the county of* Chittenden, *formerly attempted to make a division of their lands, in said town, by the mode of pitching; in consequence of which, many of said proprietors made pitches, and surveys of lots, in said town; and many settlements, and large improvements, have been made thereon. And it appears that said division, so attempted to be made, was not made conformably to any existing laws of this state; and that the records of said proprietors, relating thereto, are either lost, or withheld and concealed by the former proprietors clerks. And whereas it is impossible, under the existing circumstances of said proprietors and settlers, to make a just and equitable division of the lands in said town, agreeably to the existing laws of this state.* Preamble.

Therefore,

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That the proprietors and land-owners of the town of *Essex* be, and they are hereby empowered to warn a meeting of said proprietors and land-owners, and in the warning, to notify the former proprietors Proprietors of Essex may warn a meeting.

clerk, or clerks, to deliver all the proprietors records, files, or papers belonging to their ſaid offices, reſpectively, on or before the day of ſaid meeting, to the preſent proprietors clerk, in ſaid town.— Which warning ſhall be publiſhed at leaſt ſix months previous to the day of ſaid Proprietors meeting. And if the former proprietors clerks, their heirs, or aſſignees, do refuſe or neglect to deliver over ſaid records and files, they ſhall be forever thereafter debarred from producing them in evidence of any diviſion, or allotment, whatever, of the lands of the ſaid proprietors. And in caſe of ſuch neglect or refuſal, the proprietors and land-ownes of ſaid town are hereby empowered, at any meeting legally warned and holden for that purpoſe, to agree upon ſuch mode of dividing the lands, in ſaid town, into ſeveralty, as to them ſhall appear moſt juſt and equitable; having regard, as near as circumſtances will permit, to the lots, as the ſame have been already ſurveyed, and to the ſettlements and improvements made thereon. And the ſaid proprietors and land-owners having made, or cauſed to be made, an accurate ſurvey, plan, and allotment of the lands in ſaid town, accordingly, they ſhall have power, at ſuch meeting, to accept thereof, and eſtabliſh the ſame, as a legal diviſion of ſaid town, and the ſame ſhall forever thereafter, be deemed a good and valid diviſion, in law,

May call on former proprietors clerks for records.

Penalty for not delivering ſaid records.

Proprietors may divide their lands.

to all intents and purpoſes whatever.—*Provided*, that each land-owner ſhall have a voice, in the vote, according to the quantity of land he owneth on the original right; and, that the owners of the major part of a right, ſhall carry the vote, on ſuch right. Proviſo.

SEC. 2. *And it is hereby further enacted*, That if the records, files, or papers of the former proprietors clerk, or any part of them, ſhould be delivered over, agreeably to the directions of this act, on the notice, as aforeſaid, and ſhould be found incomplete, the proprietors and land-owners of ſaid town of *Eſſex*, are hereby empowered to complete and eſtabliſh the ſame, according to the true intent and meaning of this act. May complete and eſtabliſh their records.

Paſſed February 4, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 30.

An act laying a Tax on the County of *Orange*.

WHEREAS it appears to this Aſſembly, that it is neceſſary to lay a tax upon the County of Orange, *for the purpoſe of paying the debts of ſaid County*— Preamble.

SECTION 1.

Tax of 2 mills on Orange county.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That a tax of two mills on the dollar, be, and hereby is laid on the polls and rateable estate of the inhabitants of the County of *Orange*, for the year one thousand eight hundred and three, to be paid in orders issued by the county court of said county, or notes issued by the treasurer of said county, or in money, to be collected and paid into the treasury of said county, by the first day of June next.

County treasurers' power.

SEC. 2. *And it is hereby further enacted,* That the treasurer of said county, shall have power in issuing warrants and extents, for the collection of said tax, as is by law given to the state's treasurer. And the first constables in the several towns within said county, are hereby empowered in the collection of said tax, in the same manner, as they are by law empowered in the collection of state taxes.

Constables power.

County treasurer's duty.

SEC. 3. *And it is hereby further enacted,* That the treasurer of said county be, and he is hereby directed, to pay all dues, debts and demands against said county, out of the monies arising from said tax, they being presented to him for payment.

Passed February 4, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary.*

Chapter 31.

An act appointing a new member of a committee to superintend the collection and expenditure of a land-tax on *Mount-Holly*.

WHEREAS the Legiſlature, at their ſeſſion in October, A. D. one thouſand eight hundred and three, paſſed an act, entitled, " An act in addition to and in alteration of an act entitled " An act laying a tax of two cents per acre on the townſhip of *Mount-Holly* ;" *in and by which act,* Abner Willſon *was appointed one of the committee, to ſuperintend the collection and expenditure of ſaid tax. And whereas the ſaid* Abner Willſon *is about removing out of the town and declines acting in ſaid capacity.* Preamble.

Therefore,

IT *is hereby enacted by the General Aſſembly of the State of Vermont,* That *Charles Jackſon,* be, and he is hereby appointed one of ſaid committee, in the room of ſaid *Abner Willſon,* for the purpoſes mentioned in ſaid act. New member of committee on Mount Holly land tax.

Paſſed February 4, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 32.

An act reſtoring *Joſeph Ackley* to his law.

Preamble.

WHEREAS Timothy Lovell, *of* Rockingham, *in the county of* Windham, *by the conſideration of the county court holden at* Newfane, *within and for the county of* Windham, *on the Monday next preceding the firſt Tueſday in June, A. D. one thouſand ſeven hundred and ninedy eight, recovered judgment againſt* Joſeph Ackley, *of* Reading, *in the county of* Windſor, *for the ſum of two thouſand dollars damages, and for the ſum of forty-three dollars and twelve cents, coſts of ſuit. And whereas it appears, that the ſaid judgment was fraudulently obtained on the part of the ſaid* Lovell.—

Therefore,

SECTION 1.

Joſeph Ackley granted a new trial.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the action, in which ſaid judgment was rendered, be again entered upon the doquet of ſaid court, at their next term, and ſtand open for trial; and that the ſame proceedings may be had, by ſaid *Lovell* and *Ackley*, or either of them in ſaid action, as though the ſame had never before been entered upon the doquet of ſaid court. And that the ſaid judgment, the writ of execution which iſſued thereon,

and the levy of ſaid execution, ſhall be deemed, and the ſame are hereby declared to be null and void, to all intents and purpoſes.

Former Judgment and Execution void.

SEC. 2. *And it is hereby further enacted*, That the ſaid *Joſeph Ackley* cauſe the ſaid *Timothy Lovell* to be notified, by being legally ſerved with a copy of this act, at leaſt twelve days before the next ſeſſion of ſaid county court.

Method of notifying.

Paſſed February 4, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 33.

An act to eſtabliſh the juriſdictional line between the towns of *Verſhire* and *Corinth*, in the county of *Orange*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That from and after the paſſing of this act, the juriſdictional line between the towns of *Verſhire* and *Corinth*, ſhall be eſtabliſhed, deemed and taken to be as follows, to wit,—Beginning at the north-weſt corner of the town of *Fairlee*; thence north ſixty-one degrees weſt, ſix miles, to the ſouth-weſt corner of ſaid *Corinth*.

Verſhire and Corinth juriſdictional lines eſtabliſhed.

Provided, nothing in this act ſhall be conſtrued to affect the right of private property.

Paſſed February 4, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 34.

An act laying a tax of three cents per acre on the town of *Derby*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be, and hereby is laid a tax of three cents per acre on all the lands in the town of *Derby*, in the county of *Orleans*, public lands excepted, for the purpoſe of making and repairing roads and building bridges in ſaid town; to be expended under the direction of *Rufus Stewart*, *Eliſha Lyman* and *Japhet Benham*, who are hereby appointed a committee to ſuperintend the expenditure of ſaid tax. And any juſtice of the peace, within and for the county of *Orleans*, is hereby authoriſed and directed, to iſſue his warrant to *Luther Newcomb*, of ſaid *Derby*, who is hereby appointed a collector to collect ſaid tax. And ſaid committee and collector are hereby directed, in the collection, expenditure, and accounting for the monies to

Derby land tax.

be raiſed by ſaid tax, to conform themſelves, in all things, to the directions of the general ſtatutes of this ſtate, in that behalf made and provided.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 35.

An act authoriſing the adminiſtrators on the eſtate of *Samuel Williams*, Eſq. late of *Rutland*, deceaſed, to deed a certain piece of land lying in ſaid *Rutland*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the adminiſtrators on the eſtate of *Samuel Williams*, Eſquire, late of *Rutland*, deceaſed, be, and hereby are fully authoriſed to make and execute a deed unto *David Smith*, of *Rutland*, in the county of *Rutland*, his heirs and aſſigns, of a certain tract of land lying in ſaid *Rutland*, bounded northerly on lands poſſeſſed by *Nathan Oſgood*; weſterly on land owned by *William Jenkins*; ſoutherly on land owned by *James D. Butler*, and eaſterly on the highway, leading from *Rutland* court-houſe to *Pittsford*; ſaid land being three rods in front, and three rods in

Adminiſtrator on S. Williams eſtate to deed land.

the rear, the north and ſouth lines about thirteen rods each, and containing about thirty-nine rods of land, be the ſame more or leſs—it being the ſame land ſold the ſaid *David*, by bargain, in the life-time of the ſaid *Samuel*, deceaſed; and a deed ſo executed, as aforeſaid, by the adminiſtrators aforeſaid, ſhall be good and valid in law, the ſame as though ſaid deed had been executed by the ſaid *Samuel*, when in full life: any law to the contrary notwithſtanding.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 36.

An act in addition to an act entitled "*An act laying a tax on the ſeveral towns therein mentioned,*" paſſed November eight, A. D. one thouſand eight hundred and three.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Joſiah Tuttle*, of *Sheldon*, be, and he hereby is appointed one of the committee to ſuperintend the expenditure of the tax, laid by ſaid act, on the town of *Sheldon*, in the room of *Jedidiah Clark*, deceaſed.

New com. man appointed on Sheldon land tax.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Sec'ry.*

Chapter 37.

An act for the relief of *William Briant.*

WHEREAS William Briant *of* Waterbury, *in the county of* Chittenden, *is now a prisoner in the gaol in* Woodstock, *in the county of* Windsor, *by order and sentence of the supreme court, holden at* Burlington, *in and for the county of* Chittenden, *by adjournment, on the third Monday in June, Anno Domini one thousand eight hundred and three, to compel the said* Briant *to pay a fine of five dollars, and costs of prosecution, to the amount of forty-eight dollars and seventy-two cents. And whereas it appears that the crime of which the said* Briant *was convicted before said court, was* Theft, *and that said* Briant *is now unable to pay said fine and costs*—Therefore, Preamble.

IT *is hereby enacted by the General Assembly of the State of Vermont,* That the said *Briant,* on his executing his promissory note, in writing with one or more sufficient surety, or sureties, to the treasurer of this state, to pay him the sum of fifty three dollars and seventy two cents, within three years, from and after passing this act, shall be, and is hereby discharged from his said imprisonment; and the sheriff of the county of *Windsor,* on receiving a certificate in writing, from Wm. Briant liberated on giving security.

ſaid treaſurer, certifying that ſaid *Briant* has executed ſaid note, is directed to permit the ſaid *Briant* to go at large.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 38.

An act to incorporate a third *Medical Society* in the State of *Vermont*.

SECTION 1.

A third Medical Society incorporated.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the following Phyſicians and Surgeons, in the counties of *Franklin* and *Chittenden*, to wit, *John Pomeroy*, *Benjamin Chandler*, *Joſeph D. Farnſworth*, *Nathaniel Willſon*, *Truman Powell*, *David Tracy*, *Ephraim Little*, *Julius Hoyt* and *Horatio Powell*, be, and they are hereby incorporated and conſtituted a body politic and corporate, in law, by the name of *The Third Medical Society in Vermont*, who ſhall be capable of ſuing, and being ſued—of pleading, and being impleaded—of defending and being defended, in any court of law or equity, for the recovery and defence of their common rights and intereſts; and they ſhall be capable of

Their powers.

taking, by gift, grant, or deviſe, for the purpoſe of procuring and maintaining a library, and ſuch inſtruments and apparatus as ſhall, by ſaid ſociety be thought beſt, for making experiments in their art; and for any other purpoſes which ſhall be found conducive to the encouragement and improvement of the Healing Art.

SEC. 2. *And it is hereby further enacted*, That the ſaid ſociety be, and hereby are veſted with full powers to elect, annually, by ballot, a Preſident, Secretary, and two or more Cenſors. And the ſaid ſociety are hereby authoiſed and empowered to call any of their members to an account, for any diſhonorable conduct, relative to the medical profeſſion, and puniſh the ſame if neceſſary, by admonition, ſuſpenſion, or expulſion. And, to make laws, rules and regulations, for the governing of ſaid ſociety, and its ſeveral members. *Provided*, that ſuch rules and regulations ſhall not be repugnant to the conſtitution and laws of this ſtate.

Empowered to chooſe officers.

May puniſh their members.

May make bye laws.

Proviſo.

SEC. 3. *And it is hereby further enacted*, That the ſaid Society be, and they are hereby veſted with power, to judge and determine with reſpect to the qualifications of ſuch perſon or perſons as ſhall offer themſelves for examination. And any perſon, or perſons, who ſhall be hereafter admitted as members of ſaid ſociety, ſhall be entitled to all, and ſingu-

To judge of the qualifications of candidates.

lar the benefits and privileges that thoſe enjoy whoſe names are mentioned in this act.

May appoint the time and place of their meetings.

SEC. 4. *And it is hereby further enacted*, That ſaid ſociety be, and they are hereby authoriſed and empowered, to appoint and determine the times and places of their ſtated or adjourned meetings, as to them ſhall appear neceſſary for the purpoſes mentioned in this act.

May hold & poſſeſs property.

SEC. 5. *And it is hereby further enacted*, That the ſaid third Medical Society, ſhall have a common ſeal, and have a right to hold and poſſeſs, by purchaſe, or otherwiſe, property to the amount of two thouſand dollars. And that their firſt meeting ſhall be holden at the court-houſe in *St. Albans*, in the county of *Franklin*, on the ſecond Monday in May next.

Paſſed February 6, 1804.

A true Copy;

Atteſt, DAVID WING, Jun. *Sec'ry.*

Chapter 39.

An act to ſuſpend civil proceſs againſt the perſon of *Jacob Bates*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That

the body of *Jacob Bates*, of *Tunbridge*, in the county of *Orange*, be, and hereby is freed from arreſt, on any attachment, or menſe proceſs, for any debt, contract, covenant or promiſe, made, or entered into before the paſſing of this act: or on execution iſſued on any judgment rendered, on ſuch debt, contract, covenant, or promiſe, as aforeſaid, for the ſpace of three years, from and after the riſing of this aſſembly.

Actions ſuſpended vs. Jacob Bates three years

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 40.

An act relieving *Nathaniel Callender, junior*, from a bill of coſt therein mentioned.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That *Nathaniel Callender, junior*, of *Shoreham*, be, and hereby is diſcharged from a bill of coſt taxed againſt *Jordan Poſt*, on a proſecution before the Supreme Court, at their ſeſſion at *Middlebury*, in January, A. D. one thouſand eight hundred, for counterfeiting hard-money, on which he was acquitted; For which bill of coſt, a ſuit is now pending before ſaid Supreme Court, at *Middlebury*, againſt ſaid *Callen-*

Nath'l Callender diſcharged from a bill of coſt.

der, as bail for the ſaid *Poſt*; on the ſaid *Callender's* paying the coſt which has ariſen in the ſuit now pending.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 41.

An act for uniting certain parts of the towns of *Hartford* and *Pomfret*, into one School-Diſtrict.

SECTION 1.

Part of Hartford annexed to Pomfret for ſchool purpoſes.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That ſuch parts of the towns of *Hartford* and *Pomfret*, in the county of *Windſor*, as are included within the following lines, to wit,—Beginning at the ſouth eaſt corner of *Pomfret*, thence northerly, on the town line, to the ſouth weſt corner of *John Fletcher's* land, thence on the weſt line of ſaid *Fletcher's* land, thence northerly to *James Burnham's*, including ſaid *Burnham*; From thence northeaſterly, one mile; thence eaſt to *Hartford* line; thence eaſt in the north line of the ſouthweſterly ſchool diſtrict in ſaid *Hartford* to Capt. *William Bramble's*; thence ſouth to *Waterqueche River*; thence up the weſt bank

of ſaid river to the firſt bounds, including the whole of ſaid diſtrict in *Hartford*, and the whole of the ſoutheaſterly ſchool diſtrict in *Pomfret*—be, and the ſame are hereby formed into one ſchool diſtrict. And the inhabitants thereof, are hereby entitled to all the rights, privileges and immunities, which are enjoyed by other ſchool diſtricts in this ſtate.

SEC. 2. *And it is hereby further enacted*, That in the organizing ſaid diſtrict, application may be made to the ſelectmen, of either of the towns of *Pomfret* or *Hartford*, for warning a meeting, of the inhabitants of ſaid diſtrict, in a manner preſcribed by the ſecond ſection of an act, paſſed by the legiſlature of this ſtate, entitled "*An act for the ſupport of ſchools.*"

Paſſed February 6, 1804.

A true Copy,
Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 42.

An act enabling the inhabitants of the town of *Waſhington*, to ratify their former proceedings.

WHEREAS it appears to this General Aſſembly that there are doubts entertained, as to the legality and validity of the Preamble.

votes and proceedings of the inhabitants of the town of Washington, *in the county of* Orange, *at their first meeting holden at said* Washington, *by virtue of a warrant issued by* Thomas Porter, Esq. *then a justice of the peace, in and for said county of* Orange, *by reason of said* Porter's *not presiding in said meeting, until the moderator and town clerk were chosen. Which meeting, if hereafter found illegal may prove very injurious to the inhabitants of said town.*—To prevent which,

Votes & proceedings of Washington legalized.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the several votes and proceedings of said meeting, be, and they are hereby ratified and confirmed, in as ample a manner, as though the said *Thomas Porter, Esq.* had presided in the same, until a moderator and clerk had been chosen.

Passed February 6, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary.*

Chapter 43.

An act to repeal part of an act entitled "*An act altering the time for holding the supreme court of judicature, court of chauncery, and county courts, in the county of* Franklin.

SECTION I.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the act entitled "*An act altering the times for holding the supreme court of judicature, court of chancery, and county court in the county of* Franklin," passed October the thirtieth, A. D. one thousand seven hundred and ninety-eight, be, and the same is hereby repealed, so far as it relates to the county court in the said county of *Franklin*. And said county court, from and after the first day of May next, shall be holden on the last Monday in August, and the first Monday in February, annually.

Franklin county court when holden.

SEC. 2. *And it is hereby further enacted*, That all writs, processes, recognizances, or other proceedings, which have been issued, commenced, had or pending before said county court, or made returnable before the same, at the times now affixed by law for the holding said court, shall be had, made and returned, and the same proceedings had thereon, by said court, as though said act had not been repealed.

Writs, processes &c. how returned.

Passed February 6, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

Chapter 44.

An act againſt diſturbing the remains of the Dead.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That if any perſon or perſons ſhall dig up, remove, or diſturb the remains of any dead perſon, interred within this ſtate, or be aiding, aſſiſting or abetting therein, on conviction thereof before the ſupreme court, ſuch perſon, or perſons, ſhall pay a fine, to the treaſury of the ſtate, in a ſum not exceeding one thouſand dollars, or be publicly whipped, not exceeding thirty-nine ſtripes; or impriſoned not exceeding one year, or any, or all of ſaid puniſhments, at the diſcretion of ſaid court.

Penalty for diſturbing the remains of the DEAD.

Provided always, that this act ſhall not extend to any perſon, or perſons, acting under the authority of law, in caſes of inqueſt, or to any perſon or perſons having received licence, in writing, from any juſtice of the peace of the county, and majority of the ſelectmen of any town where ſuch interment was made, to dig up and diſcloſe any dead body, for the purpoſe of obtaining evidence, or for removal, at the requeſt of friends, or for public convenience; to be done in the day-time, in the preſence of, at leaſt, five

Proviſo.

good witneſſes, of the vicinity: which licence, any juſtice of the peace, and ſelectmen as aforeſaid, are hereby authoriſed, on application, to give.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary.*

Chapter 45.

An act in amendment of, and addition to, an act directing the mode of obtaining Licences, regulating Inns, and houſes of public entertainment.

WHEREAS no proviſion is made, in and by ſaid act, for licenſing innkeepers which may become neceſſary in any town, unleſs they are nominated by the civil authority and ſelectmen of ſuch town, in the month of March, or licenced by the county court, next to be holden in the ſame county. To remedy which,— Preamble.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the county court, at any ſtated or adjourned ſeſſion, be, and they are hereby authorized and empowered, to licence any perſon to keep an houſe of public enter- County court may licenſe tavern keepers at any term of court.

tainment, agreeably to the act to which this is an amendment; ſuch perſon applying for ſuch licence, producing a certificate ſigned by a majority of the civil authority and ſelectmen of the town where ſuch houſe is to be kept, at a meeting by them holden for that purpoſe, certifying that he is a ſuitable perſon for keeping a houſe of public entertainment.

SEC. 2. *And it is hereby further enacted*, That any judge of the county court, within his county, is hereby authoriſed and empowered to licence any perſon within ſuch county, to keep a houſe of public entertainment, until the then next ſeſſion of the county court, to be holden in ſuch county; ſuch perſon ſo applying, producing a certificate as aforeſaid, and paying ſuch ſum as ſuch judge ſhall think proper, as is provided in ſaid act, to which this is an amendment; together with the legal fees for giving ſuch licence. And it ſhall be the duty of ſaid judge to pay the ſum ſo aſſeſſed, into the treaſury of ſuch county.

A judge of the county court may licenſe in certain caſes.

SEC. 3. *Provided always, and it is hereby further enacted*, That all licenſes hereafter given by the county court, or by one judge of ſuch court, as aforeſaid, ſhall expreſſly mention the houſe, which ſuch perſon ſo licenſed ſhall keep, as a houſe of public entertainment.

Houſe licenſed to be deſignated

SEC. 4. *And it is hereby further enacted*, That if any perſon within this ſtate, who is not licenſed, as is provided in this act, or in that to which this is an amendment, ſhall hereafter ſell any rum, brandy, gin, or wine, in a leſs quantity than one pint, he ſhall forfeit and pay as a fine therefor, the ſum of ten dollars, to be collected and diſpoſed of, as is provided in this act, or that to which this is an amendment and addition, Any law, uſage or cuſtom to the contrary notwithſtanding.

Penalty for ſelling without licenſe.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 46.

An act for the relief of *Matthew Stanley*, of *Tunbridge*.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the treaſurer of this ſtate, or the ſtates' attorney for the county of *Orange*, endorſe *Fifty* dollars, on a certain note of hand, made by the ſaid *Matthew Stanley*, for the payment of money for the uſe of this ſtate.

Matthew Stanley.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 47.

An act empowering *William C. Harrington*, Esq. administrator to the estate of *William Coit*, late of *Burlington*, deceased, to release and convey certain lands therein mentioned.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That *William C. Harrington*, administrator to the estate of said *William Coit*, be, and hereby is authorised and empowered to release and convey, as administrator to said estate, all the lands, in the town of *Johnson*, in the county of *Franklin*, to which said estate has any claim.

Administrator of Wm. Coit, may sell and convey lands.

SEC. 2. *And it is hereby further enacted*, That the said *William C. Harrington*, administrator as aforesaid, shall give security to the judge of probate for the district of *Georgia*, for the faithful performance of such trust; and shall account for the same, either by shewing to the said judge, that this was carrying into effect a contract or agreement made by the said *William Coit*, in his lifetime. Or, should any money be received, as payment for the said land, he shall account for the same, to the said judge of probate.

Must give bonds to account with judge of probate.

Passed February 6, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary.*

Chapter 48.

An act for the relief of *Deborah Stone*.

WHEREAS it appears to this assembly that, at a trial before referrees, between Deborah Stone, *of* Hinesburgh *in the county of* Chittenden, *and* Ithiel Stone *of the same* Hinesburgh, *the said* Deborah *was unable to procure very material evidence, which she has since discovered; and that, for the want of such evidence, the referrees reported against her, and judgment was rendered on said report against her, and in favour of the said* Ithiel, *by the county court of said county of* Chittenden, *at their September term, one thousand eight hundred and three; by reason of which, the said* Deborah *was, and is imprisoned, by virtue of the execution issued on said judgment; and has suffered, and still must continue to suffer great loss and injury, unless relieved.*— To prevent which,

Preamble.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That the clerk of the county court of the county of *Chittenden*, be, and he is hereby directed, to enter the prosecution of the said *Deborah*, against the said *Ithiel*, anew, on the docquet of the said court, at their next stated session, to be holden within

Deborah Stone vs. Ithiel Stone a new trial granted.

ſaid county of *Chittenden*. And a new trial in ſaid action, or proſecution, ſhall be had, in the ſame manner as if no judgment had been rendered thereon. And the ſaid judgment and execution, and all proceedings thereon, heretofore rendered, are hereby declared to be null and void.

Bonds to be entered into by Deb. Stone.

SEC. 2. *Provided nevertheleſs, and it is hereby further enacted*, That the ſaid *Deborah*, before ſhe ſhall take any privilege or benefit by this act, ſhall enter into bond, with one or more ſureties to the ſaid *Ithiel Stone*, in three times the ſum of the execution in favour of ſaid *Ithiel* and againſt the ſaid *Deborah*, conditioned, that the ſaid *Deborah* ſhall purſue and proſecute her ſuit or action aforeſaid, which had been ſubmitted to referees, as aforeſaid, with effect; or, on failure thereof, ſhall pay the ſaid *Ithiel* the full contents of ſaid execution, on which ſhe is now committed.

How notice is to be given.

SEC. 3. *And it is hereby further enacted*, That the ſaid *Deborah Stone*, ſhall notify the ſaid *Ithiel*, hereof, by cauſing a true and atteſted copy of this act to be delivered to the ſaid *Ithiel*, or left at his laſt and uſual place of abode, at leaſt ſix days previous to the ſitting of ſaid county court in ſaid county of *Chittenden*.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 49.

An act to authorize the ſupreme court, to empower guardians to ſell the real eſtate of their wards.

SECTION 1.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That the ſupreme court of this ſtate, be, and hereby is authoriſed, to empower the guardians of any minor, idiot, lunatic, or diſtracted perſon, to ſell and convey the real eſtate of his ward, whenever the ſale thereof ſhall be neceſſary to the ſupport, or conducive to the intereſt of ſuch his ward. *Provided*, that a petition for that purpoſe ſhall be entered, by ſuch guardian, at the ſaid court while ſitting in the county in which ſuch real eſtate ſhall be ſituate. And no judgment ſhall be rendered on ſuch petition, until there ſhall be ſuch notice given, by ſuch guardian, to all peſons concerned, as ſaid ſupreme court ſhall direct. And ſuch guardian ſhall be under oath, to be adminiſtered by the clerk of ſaid court, "*That he will ſell ſuch eſtate in ſuch manner, as, in his judgment, ſhall be moſt beneficial to his ward.*" And, if ſuch eſtate ſhall be ſold at public auction, the ſale thereof ſhall be in the ſame county, and at ſome public place, on or near the premiſes.

Supreme court may order the ſale of real eſtate of wards.

Proviſo.

Notice to be given to all concerned.

Guardians oath.

Provided, that the ſaid ſupreme court whenever they ſhall authorize the guardian of any minor, idiot, lunatic, or diſtracted perſon, to ſell and convey any real eſtate, belonging to his ward, the court ſhall take a bond, to the judge of probate for the diſtrict in which the eſtate ſhall be ſituate, from ſuch guardian, with two ſufficient ſureties, in double the value of the eſtate ſo to be ſold, to ſecure the value of ſuch eſtate to ſuch his ward.

Proviſo.

Provided alſo, that no guardian ſhall ſell real eſtate, by virtue of this act, until ſuch bond ſhall have been given.

Second proviſo.

SEC. 2. *And it is hereby further enacted*, That no order of ſale, ſhall be granted by ſaid ſupreme court, unleſs ſuch guardians ſhall produce to the court a certificate ſigned by the judge of probate, of the diſtrict where ſuch land lies, recommending ſuch ſale; and alſo make it appear to ſaid court, that the ſame will be beneficial to ſuch wards.

Judge of probate to recommend ſuch ſale.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 50.

An act eſtabliſhing a corporation by the name of *Caledonia Turnpike Company*.

SECTION I.

IT is hereby enacted by the General Assembly of the State of Vermont, That *William Moore, John W. Chandler, Jonathan Elkins junior, William Buckminster, Nicholas C. Buswell, Jesse Merril, Abel Blanchard,* and *John Spencer* of *Peacham*; *Alexander Harvey, Walter Brock,* and *John Bachop,* of *Barnet*; *James Whitelaw, James Whitehill, James Aesdon, Josiah Page,* and *John Gray,* of *Ryegate*; and *Mitchel Davis, David Tilton, Christopher Sargeant, Elkanah Phelps, Ebenezer Strong* and *Joseph Moffet,* of *Danville,* and their associates, their heirs and assignees, be, and they are hereby constituted and made a corporation, by the name of *The Caledonia Turnpike Company*; and shall, by that name, sue and be sued, may have a common seal, to be by them altered at pleasure; and shall enjoy all the privileges incident to a corporation—for the purpose of making, altering, and keeping in repair, a turnpike road, to be laid out by the committee herein after appointed, and to begin in the town of *Newbury,* and pass through *Ryegate, Barnet, Peacham* and *Deweysburgh,* to *Danville* court-house, so as best to accommodate the inhabitants of said towns, and the public at large, northerly of these towns. Which road shall be laid out, not less than sixty feet wide, and the path

Incorporation of Caledonia Turnpike Company.

Name of the company.

Their power.

Extent of the road.

Width of the road.

to be travelled not leſs than eighteen feet wide, with a ditch on each ſide of the ſaid path at the termination of the ſlope thereof, not leſs than ſix feet wide, for the convenience of ſleighs and ſleds, in the winter ſeaſon; wherever the ſame can be made, without great inconvenience: The road to be recorded as laid out, and ſurveyed, in the town clerk's office, in each town through which it paſſes.

A ſleigh path to be made.

Road to be recorded.

SEC. 2. *And it is hereby further enacted*, That *Timothy Hinman*, *David Wing* junior, and *James Fiſk*, eſquires, be, and they are hereby appointed a committee, to lay out and ſurvey ſaid road, agreeably to the foregoing ſection, at the expence of ſaid company.

Committee to lay the road.

SEC. 3. *And it is hereby further enacted*, That as ſoon as ſaid road ſhall be ſufficiently made, to the ſatisfaction and acceptance of the judges of the ſupreme court, for the time being, or a diſintereſted committee by them appointed, the ſaid corporation ſhall have right to erect two gates on ſaid road, at ſuch place and places, as they ſhall judge proper; and at each of ſuch gates, ſhall have a right to receive the following rates of toll, to wit. For each four wheeled pleaſure carriage, drawn by two beaſts, fifty cents, and for each additional beaſt, ſix cents; for each

Number of gates.

Rates of toll.

two wheeled pleaſure carriage, drawn by one beaſt, twenty-five cents, and for each additional beaſt, five cents. For each waggon or cart, drawn by two beaſts, twenty-five cents, and for each additional beaſt, five cents. For each ſled or ſleigh drawn by one beaſt twelve cents, and for each additional beaſt, five cents. For each man and horſe ſix cents. For all horſes, mules, or neat cattle, led or driven, beſides thoſe in teams and carriages, one cent each. For ſheep and ſwine at the rate of ſix cents per dozen. *Provided*, that the ſaid corporation may, if they ſee proper, commute the rate of toll with any perſon, by taking of ſuch perſon, a certain ſum, by the month, or annually, to be mutually agreed on, in lieu of the tolls aforeſaid.

May commute the rates of toll.

SEC. 4. *And it is hereby further enacted*, That the ſaid corporation ſhall be liable to pay all damages which any perſon ſhall ſuſtain, by his lands being taken for ſuch road. And when ſuch damages cannot be determined by mutual agreement, and the lands be obtained to the corporation by voluntary ſale from the owner, ſuch damages ſhall be awarded and determined by a diſintereſted committee, to be appointed for that purpoſe, by the judges of the ſupreme court.

Corporation to pay all damages

Damages how aſſeſſed.

SEC. 5. *And it is hereby further enacted*,

That ſaid corporation be, and they hereby are enabled to purchaſe and receive, and hold lands, for the ſaid turnpike road, and alſo a ſufficient quantity for the accommodation of their reſpective toll gatherers; and the ſame to transfer, in ſuch manner as by their bye-laws they ſhall direct.

Corporation may purchaſe lands for ſaid road, &c.

SEC. 6. *And it is hereby further enacted*, That if the ſaid corporation, or their toll-gatherers, or any perſon in the employment of ſaid corporation, ſhall unreaſonably delay or hinder any paſſenger, at either of ſaid gates, or demand and receive more toll than is by law directed, the ſaid corporation ſhall forfeit and pay a ſum not exceeding ten dollars, nor leſs than two dollars; to be recovered before any court proper to try the ſame.—And ſaid corporation ſhall be liable to pay all damages which may happen, to any perſon from whom toll is demandable, which may ariſe from any neglect of any bridge, or want of repairs on ſaid road, after the ſame has been made and approved, as is in this act before provided; and ſhall alſo be liable to preſentment by grand jury, for not keeping the ſame in good repair, and no greater certainty ſhall be required in ſuch preſentment, in deſcribing the place out of repair, than is required by the nineteenth ſection of an act entitled "*An act reducing into one, the ſeveral acts for laying*-

Penalty for delaying paſſengers.

Liable to pay all damages ariſing from want of repairs.

Liable to preſentment by G. Jury.

out, making, repairing and clearing highways."

SEC. 7. *And it is hereby further enacted,* That if any perſon or perſons, ſhall cut, break down, or deſtroy any turnpike gate, or ſign, or remove any earth, ſtone, or timber, on ſaid road, to the damage of the ſame; or ſhall forcibly paſs, or attempt to paſs, by force, either of ſaid gates, without having firſt paid the legal toll at ſuch gate, ſuch perſon or perſons ſhall pay all damages thereby ſuſtained by ſaid corporation, and forfeit and pay a fine not exceeding fifty dollars, nor leſs than one dollar; to be recovered by the treaſurer of ſaid corporation, to their uſe, in an action of treſpaſs on the caſe. And if any perſon, with his carriage, cattle, or horſe, ſhall turn out of ſaid road, with an intent to paſs the turnpike gate, and again enter ſaid road, with an intent to evade the toll, ſuch perſons ſhall forfeit and pay five times ſo much as his legal toll would have been; to be recovered as aforeſaid for the uſe of ſaid corporation.

Treſpaſſes on ſaid road, penalty for.

Fine how recovered.

Penalty for paſſing round the gates to evade the toll.

Provided, nothing in this act ſhall extend to entitle ſaid corporation to demand or receive toll of any perſon who ſhall be paſſing, with his horſe, or carriage, to, or from public worſhip, or on military duty, or, with his horſe, team or cattle, to or from any griſt or ſaw-mill; or on any

Perſons exempted from toll.

other ordinary buſineſs of family concerns.

Shares in ſaid road, perſonal property.

SEC. 8. *And it is hereby further enacted*, That the ſhares in ſaid turnpike road ſhall be taken, deemed and conſidered perſonal eſtate, to all intents and purpoſes, and ſhall and may be transferable, in ſuch manner as ſaid corporation, by their bye-laws, may direct and eſtabliſh. And when any ſhare, or ſhares, ſhall be attached on meſne proceſs, an atteſted copy of ſuch proceſs, with the officer's return thereon, ſhall be, by ſuch officer, left, immediately, with the clerk of ſaid corporation; otherwiſe the attachment ſhall be void. And ſuch ſhares may be ſold, on execution, in the ſame manner as is, or may be by law provided for the ſale of other perſonal property, the creditor leaving an atteſted copy of the execution, with the officer's return thereon, with the clerk of ſaid corporation, within fourteen days after ſuch ſale, and paying for recording the ſame. And ſuch ſhare or ſhares, ſo ſold as aforeſaid, ſhall, to all intents and purpoſes, veſt in ſuch purchaſer.

May be attached on meſne proceſs.

May be ſold on execution.

First meeting when & where holden.

SEC. 9. *And it is hereby further enacted*, That there ſhall be a meeting of ſaid corporation, on the laſt Tueſday of March next, at the houſe of *Timothy Hall*, innholder, in *Peacham*, at ten of the clock in

the forenoon, for the purpoſe of chooſing a clerk, treaſurer, and ſuch other officers as may be deemed neceſſary by ſaid corporation. And the ſaid corporation may eſtabliſh ſuch rules and regulations as they ſhall judge proper, for regulating the concerns thereof. *Provided*, the ſame ſhall not be repugnant to the conſtitution and laws of this ſtate. And the ſaid corporation may, from time to time, eſtabliſh ſuch method of calling meetings, as they ſhall judge proper.

Corporation may eſtabliſh rules, &c.

Proviſo.

SEC. 10. *And it is hereby further enacted*, That the ſaid corporation ſhall have a right to divide ſaid road into as many ſhares as they may deem proper. And when any proprietor ſhall neglect or refuſe to pay a tax, duly aſſeſſed by ſaid corporation, to their treaſurer, within twenty days after the time appointed for the payment thereof, the treaſurer is hereby authoriſed to ſell, at public vendue, the ſhare or ſhares of ſuch delinquent proprietor; under ſuch regulations as ſaid corporation may by their bye-laws direct. And ſuch purchaſer, on producing a certificate of ſuch ſale, from the treaſurer, to the clerk of ſaid corporation, in the name of ſuch purchaſer, with the number of ſhares ſo ſold, it ſhall be, by the clerk, entered in the books of the corporation. And the overplus, if any there be, ſhall be paid, on demand, by the treaſurer, to

May divide ſaid road into ſhares.

Method of collecting taxes.

the perſon whoſe ſhare or ſhares ſhall have been ſo ſold as aforeſaid.

Shall erect a ſign board with the rates of toll thereon.

SEC. 11. *And it is hereby further enacted*, That the ſaid corporation ſhall, at each gate where the toll ſhall be collected, erect and keep conſtantly expoſed to view, a ſign or board, with the rates of toll fairly and legibly written in large or capital letters.

Duration of the corporation.

SEC. 12. *And it is hereby further enacted*, That at the expiration of thirty-five years, from the completion of ſaid road, it ſhall revert to, and become the property of this ſtate. And the ſaid corporation

Accounts how approved.

ſhall, within one year after ſaid road is completed, make out a correct ſtatement of all the expenditures thereof, and preſent the ſame to the judges of the ſupreme court, to be by them approved. After which, the ſame ſhall be lodged in the office of the ſecretary of ſtate.

When to be completed.

SEC. 13. *And it is hereby further enacted*, That if the ſaid road ſhall not be the one half completed within two, and the whole within three years, from the paſſing this act, to the acceptance and approbation of the judges of the ſupreme court aforeſaid, or the committee by them appointed, this grant ſhall be void.

SEC. 14. *And it is hereby further enacted*, That when the ſaid corporation ſhall have

made and completed the ſaid road, the diſtance of ten miles, at any one place on the ſaid road, to the acceptance and approbation aforeſaid, they ſhall have a right to erect one gate, and thereat receive the rate of toll herein before provided.

When ten miles is completed may erect one gate.

SEC. 15. *And it is hereby further enacted*, That ſaid corporation ſhall provide, and keep conſtantly affixed at convenient places, and at ſuitable diſtances, by the ſide of ſaid turnpike road, three ſuitable troughs with a ſufficiency of water therein to water the cattle and horſes of the paſſengers, travelling ſaid road.

Shall provide watering troughs.

SEC. 16. *And it is hereby further enacted*, That the gates contemplated to be erected by this act, ſhall be erected in ſuch places, as the committee appointed to lay ſaid road, ſhall direct: and that when the ſame are erected, they ſhall not be removed during the exiſtence of ſaid corporation.

Gates to be immoveable.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 51.

An act incorporating certain perſons therein mentioned, by the name of *Weathersfield Turnpike Company*.

SECTION 1.

Weathersfield Turnpike Com. incorporated.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That *Stephen Reed, Paul Cook, Henry Tolls junior, Thomas Stoughton, James Allison, Sampson Hardy, Eliphalet Chapman*, and such other persons as shall be associated with them, and their successors, and their heirs and assignees, shall be a body corporate, by the name of *Weathersfield Turnpike Company*; and by that name may sue, and be sued; may purchase and hold property, not exceeding five hundred dollars; may have a common seal; and shall have and enjoy for the term of thirty five years, all the privileges which are incident to corporations, for the purpose of laying-out, keeping in repair, and improving a Turnpike Road from *Sumner's Ferry*, over *Connecticut River*, at the mouth of *Sugar River*, to the turnpike road leading from *Bellows' Falls* to *Rutland*, at, or near the dwelling-house of *Salmon Dutton*, Esq. in *Cavendish*.

Name of the company.

Their Powers.

Extent of the road.

SEC. 2. *And it is hereby further enacted*, That *Phinehas Williams* of *Bridgwater*, *William Hunter* of *Windsor*, and *Samuel M. Lewis* of *Springfield*, be, and they are hereby appointed a committee to lay-out the said road, as will, in their judgment, best accomodate the public, and promote the general object and design of the cor-

Com. to lay the road.

poration: Which road ſhall be laid out, at leaſt, four rods wide; and the path for travelling ſhall be, at leaſt, eighteen feet wide. And adjoining to the termination of the ſloping part of ſaid road, on each ſide of ſaid road, there ſhall be made a flat road, of not leſs than ſix feet in breadth, for the convenience of ſleighs, in the winter ſeaſon, wherever ſuch road or roads can be made without very great inconvenience and expence. And the ſaid corporation may purchaſe and hold the lands for ſaid road, from the owners thereof. And if they cannot agree on the price of the ſame, the committee aforeſaid, ſhall, at the expence of ſaid corporation, under oath, appraiſe the damages done to any perſon or perſons, by laying and making ſuch road through his or their lands; taking into conſideration the ſituation of ſuch lands, and every circumſtance attending the ſame: which ſum, being paid by ſaid corporation, on demand, to the perſon owning, or being in poſſeſſion of ſaid lands, ſhall forever diſcharge ſaid corporation from any action, on account of ſaid road being laid out and made as aforeſaid. And if any perſon owning lands, through which ſaid road may be laid, ſhall think himſelf aggrieved by the appraiſal of ſuch damages, by ſaid committee; or, in caſe ſaid committee ſhall judge, that no damage has accrued to ſuch perſon, in either caſe,

Width of the road.

A ſleigh path to be made.

Corpo. may purchaſe lands for ſaid road.

Damages how aſcertained and paid.

Perſons aggrieved may appeal to C. Court.

the perſon ſo aggrieved, may appeal from ſuch appraiſal, to the next county court in the county of *Windſor*. And ſaid court are hereby authoriſed to hear, try, and finally determine ſaid appeal, and iſſue execution accordingly. And if it ſhall be adjudged by ſaid court, that ſaid committee have appraiſed ſufficient damages, in that caſe, the ſaid court ſhall award coſts againſt the perſon ſo appealing, and iſſue execution thereon.

Corporation may, after the completion of ſaid road, erect one gate.

SEC. 3. *And it is hereby further enacted*, That when ſaid road ſhall be completed, and approved by the ſupreme court, or a committee to be by them appointed, it ſhall be lawful for ſaid company to erect, on ſaid road, one turnpike gate; and they ſhall be entitled to receive, at ſuch gate, of each paſſenger, the following rates of toll, to wit. For each coach, phæton, chariot, or other four wheeled pleaſure carriage, drawn by two horſes, fifty-ſix and one quarter cents; if drawn by more than two horſes, for each additional horſe ten cents. For every chair, chaiſe, ſulkey, or other two wheeled pleaſure carriage, drawn by one horſe, thirty cents; for each additional horſe, ten cents. For every waggon, or cart, drawn by two horſes, or oxen, twenty-five cents; for each additional ox, or horſe, ten cents; and if drawn by one horſe ten cents. For every ſleigh drawn by one

Rates of toll.

horſe ten cents, and for each additional horſe, two and an half cents. For every ſled drawn by two oxen twelve and an half cents; and for each addition beaſt three cents. For every man and horſe, ſix and a quarter cents. For all horſes, neat cattle, or mules, led or driven, except thoſe in teams, or carriages, three cents each, if under ten; and all over ten, one cent each. And for all ſheep, and ſwine, of the number of twelve, at the rate of three cents per dozen.

Provided, that the ſaid corporation may, if they ſee fit, commute the rate of toll, with any perſon or perſons, by taking of him or them a certain ſum monthly or annually, to be mutually agree upon, in lieu of the tolls aforeſaid.

May commute the rate of toll.

Provided alſo, that no perſon ſhall be obliged to pay toll at ſaid gate, who ſhall be going to or from public worſhip, or to or from any griſt or ſaw-mill; or on military duty; or the ordinary domeſtic buſineſs of family concerns.

Perſons exempted from paying toll.

Provided alſo, that ſaid corporation may, from time to time, and at all times hereafter, lower the rate of toll, on all carts and waggons, whoſe fellies ſhall, at leaſt, be eight inches in width; or to allow them to paſs free of toll, as ſaid corporation ſhall judge proper.

May lower the rates of toll on carts and waggons.

Provided alſo, that after ſaid gate ſhall have been erected, it ſhall be the duty of the ſupreme court, for the time being, on application of the ſelectmen of either of the towns, through which ſaid road may paſs, to order and direct ſaid gate to be removed, to ſuch other place on ſaid turnpike road, as the ſaid court ſhall deſignate, in and by ſuch order, and if ſaid corporation ſhall preſume to keep up any gate, except at ſuch place, as the court ſhall order as aforeſaid, after twenty days, from the time ſaid corporation ſhall be notified of ſuch order, this grant ſhall be forfeited.

Sup'r Court may order the gate removed in certain cases.

SEC. 4. *And it is hereby further enacted*, That the ſaid corporation, at any legal meeting, ſhall have power to divide ſaid grant, into as many ſhares as they ſhall judge proper. And ſaid corporation ſhall have power to eſtabliſh the mode of transferring ſaid ſhares. And ſaid corporation ſhall have power, at any ſuch meeting to make bye-laws, not inconſiſtent with the conſtitution and laws of this ſtate, for the due regulation of their common concerns and intereſts.

Corpo. may divide the grant into ſhares.

May make bye-laws.

SEC. 5. *And it is hereby further enacted*, That the ſaid corporation ſhall, at the ſaid gate, where the toll ſhall be collected, erect, and keep conſtantly expoſed to view, a ſign or board, with the rates of toll

Shall erect a ſign board with the rates of toll thereon.

of all tollable articles, fairly and legibly written thereon, in large or capital letters.

SEC. 6. *And it is hereby further enacted*, That if the ſaid corporation, or their toll-gatherers, or any other perſon in the employment of ſaid corporation, ſhall unreaſonably delay or hinder any paſſenger at ſaid gate; or ſhall demand or receive more toll than is by law directed,—the ſaid corporation ſhall forfeit and pay a ſum not exceeding ten dollars, nor leſs than one dollar, to be recovered before any court proper to try the ſame. And ſaid corporation ſhall be liable to pay all damages which may happen to any perſon, from whom toll is demandable, which may ariſe from neglect of any bridge, or want of repair on ſaid road, after the ſame has been made and approved, as in this act before provided; and ſhall be liable to preſentment, by the grand jury, for not keeping the ſame in good repair.

Penalty for delaying paſſengers.

Liable to pay all damages, ariſing the from want of repairs.

Liable to preſentment by G. Jury.

SEC. 7. *And it is hereby further enacted*, That if any perſon, or perſons, ſhall cut, breakdown, or other wiſe deſtroy ſaid turnpike gate, or ſign; or remove any earth, ſtone, or timber, on ſaid road, to the damage of the ſame; or ſhall forcibly paſs, or attempt to paſs by force, the ſaid gate, without firſt having paid the legal toll at the ſame, ſuch perſon or perſons ſhall pay all damage thereby ſuſtained, by

Treſpaſſes on ſaid road penalty for.

said corporation; and forfeit and pay a fine, not exceeding fifty dollars, nor less than one dollar, to be recovered by the treasurer of said corporation, to their use, in an action of trespass, on the case.—And if any person, with his carriage, cattle, or horse, shall turn out of said road, to pass the turnpike gate, and again enter the said road, with intent to evade the toll, due by virtue of this act, such person shall forfeit and pay five fold tollage, to be recovered as aforesaid for the use of said corporation.

Fine how recovered.

Penalty for passing round the gate to evade the toll.

SEC. 8. *And it is hereby further enacted*, That the shares in said turnpike road, shall be taken, deemed, and considered personal estate, to all intents and purposes; and shall and may be transferable, in such manner as the corporation, by their bye-laws, may establish. And when any share or shares shall be attached on mense process, an attested copy of said process, with the officers doings thereon, shall be, by such officer left, with the clerk of said corporation, otherwise the attachment shall be void. And such shares may be sold on execution, in the same manner as is, or may be by law provided, for the sale of other personal estate, the creditor leaving an attested copy of the execution, with the officers return thereon, with the clerk of said corporation, within fourteen days after such sale, and paying for

Shares in said road deemed personal property.

May be attached on mense process.

May be sold on execution.

recording the ſame. And ſuch ſhare or ſhares ſo ſold, as aforeſaid, ſhall, to all intents and purpoſes, veſt in ſuch purchaſer.

SEC. 9. *And it is hereby further enacted*, That the ſaid corporation ſhall provide, and keep conſtantly affixed, at ſome convenient place, by the ſide of ſaid turnpike road, a ſuitable trough, with a ſufficiency of water therein, to water the cattle and horſes of the paſſengers, travelling ſaid road.

Corporation to provide a watering trough.

SEC. 10. *And it is hereby further enacted*, That the firſt meeting of ſaid corporation, ſhall be holden at the houſe of *Thomas Stoughton*, innkeeper, in *Weathersfield*, on the laſt Monday in March next, for the purpoſe of chooſing ſuch officers as may be neceſſary; and for tranſacting any other buſineſs, which the ſaid corporation, by this act, are empowered to tranſact, for regulating the concerns thereof. And ſaid corporation may, then and there agree on the mode of calling any future meeting of ſaid corporation. And the ſame mode, from time to time alter, as the ſaid corporation may judge expedient.

First meeting when & where holden.

SEC. 11. *And it is hereby further enacted*, That it ſhall be the duty of ſaid corporation, within one year after the completion of ſaid road, to deliver to the ſecretary of

An account of the expences to be lodged in ſec. office.

this ſtate, an account of the expences of making the ſame.

Limitation of the grant.

SEC. 12. *And it is hereby further enacted*, That at the end of thirty-five years, from and after the paſſing of this act, the ſaid corporation ſhall be diſſolved, and the ſaid turnpike road ſhall become the property of the ſtate, and be at their diſpoſal.

Proviſo.

Provided always, That if ſaid corporation ſhall not make three miles of ſaid road, within two years; and complete the ſaid road to the acceptance of the ſupreme court, or a committee, to be by ſaid court appointed, and record the ſame in the town clerks' offices through which it paſſes, reſpectively, within the term of three years from the paſſing of this act, this grant ſhall be void, and the ſaid company ſhall take no benefit thereof.

Paſſed February 6, 1804.

A true Copy,

Atteſt, DAVID WING, Jun. *Secretary*.

Chapter 52.

An act eſtabliſhing a corporation by the name of the NORTHERN TURNPIKE COMPANY OF VERMONT.

SECTION 1.

IT *is hereby enacted by the General Assembly of the State of Vermont*, That Samuel Freeman, Joseph Whipple, Judah Dana, John Wentworth, Holloway Taylor, Asa Aldis, David Powers, Joseph Fuller, Amos Morrill, Daniel Royan, Theophilus Blake, Phinehas Page, Joseph Beeman, jun. Medad Parsons, Bohan Shepard, Benjamin Holmes, John White, jun. James Everts, Thomas Russell Hawley, Elias Fassett, Peleg Stearns, Arunah Waterman, John Griswold, Geoge Westgate, Samuel Eaton, jun. John McDaniel, Theophilus Willson Fitch, Aaron Keeler, Oliver Noyes, Reuben Armstrong, Elijah Dailey, John Kinsley, Thomas Taylor, William Whitney, James Sinclair, Seth Hubbel, Samuel C. Crafts, Samuel Huntington, Aaron Shepard, Timothy Stanley, Thomas Tolman, Samuel French, Joseph Bridgman, Levi Goodridge, Nathaniel Farrington, Enoch Foster, Benjamin P. Canfield, Thomas Osgood, Enoch Hoyt, John W. Dana, jun. William Clement, Ebenezer Strong, David Tilton, Joseph Moffit, John Rankin, John Bean, Abraham Morrill, William Cahoon, Joseph Lord, Nathaniel Edson, Alexander Gilchrist, Joseph Felch, Harvey Holbrook, Elijah Freeman, Nathan Pike, Samuel Wetherbe, jun. Azarias Williams, Simeon Ol-

Northern turnpike company incorporated.

cott, John Mc Nabb, Enos Stevens, Alexander Harvey, David Elkins, William Chamberlin, Jonathan Ware, James Whitelaw, James Whitehill, William Neilson, Frederick Ware, Paul Ware, James Whiting, Metcalf Everett, Hubbard Barlow and Robert Cochran, jun. and their aſſociates, and their heirs and aſſignees, be, and they are hereby conſtituted a corporation by the name of *The Northern Turnpike Company of Vermont*, and ſhall by that name, ſue and be ſued; and ſhall have a common ſeal, and the ſame alter at pleaſure; and ſhall enjoy all the privileges and powers, which are by law incident to corporations, for the purpoſe of laying out and making a turnpike road from *Lake Champlain* to *Connecticut River*, through the counties of *Franklin*, *Orleans* and *Caledonia*, and alſo a part of the county of *Eſſex*, if judged beſt by the committee, who ſhall lay out the ſame, in the moſt convenient direction for *Portland*, in the diſtrict of *Maine*.

Name of the company.

Their Powers.

Extent of the road.

SEC. 2. *And it is hereby further enacted*, That ſo ſoon as ſaid turnpike road ſhall be ſufficiently made, and ſhall be allowed and approved by the judges of the ſupreme court, or a committee by them appointed, ſaid corporation ſhall have a right to erect ſix gates on ſaid turnpike road. *Provided*, ſuch gates ſhall not be within eight miles of each other, nor at

Corpo. when the road is completed may erect 6 gates.

Proviſo.

a greater diſtance than ſixteen miles; and be entitled to receive from each traveller and paſſenger, the following rates of toll at each of ſaid gates, to wit—For each coach, phæton, chariot, or other four wheeled pleaſure carriage, drawn by two horſes, fifty cents; and for each additional horſe, ſix cents. For each chaiſe, chair, ſulkey, or other two wheeled pleaſure carriage, drawn by one horſe, twenty five cents; and for each additional horſe, five cents. For each cart or waggon, drawn by two horſes or oxen, twenty five cents; and for each additional horſe, or ox, four cents. For each ſled or ſleigh, drawn by two horſes or oxen, twelve and an half cents; and for each additional horſe, or ox, three cents; and if drawn by one horſe, eight cents. For each man and horſe, ſix cents. For all horſes, neat cattle, or mules, led or driven, except thoſe in teams or carriages, one cent each. And for all ſheep and ſwine, of the number of twelve, or under, half a cent each; and all over twelve, at the rate of three cents per dozen. Rates of toll.

Sec. 3. *And it is hereby further enacted*, That *Timothy Hinman*, *James Fiſk*, and *David Wing*, jun. Eſquires, be, and they are hereby appointed and empowered to lay out and ſurvey ſaid road, at the expence of ſaid corporation. Which road ſhall be laid four rods wide; and the Com. to lay the road. Width of the road.

path to be travelled in, ſhall be, at leaſt, eighteen feet wide; with a convenient ditch each ſide, ſix feet wide, for ſleighs, through the county of *Franklin*; except in ſuch places where ſuch ditch cannot be made without great difficulty. And the ſaid corporation ſhall be liable to pay all damages which ſhall, in equity, accrue to any perſon by taking his lands for ſuch road; and when ſuch lands cannot be obtained by voluntary purchaſe from the owner, ſuch damages ſhall be eſtimated by a diſintereſted committee, to be, at any time, on the application of either, the ſaid corporation, or the perſon ſuppoſing himſelf injured, appointed by the judges of the ſupreme court, and duly ſworn.

Corpo. liable to pay damages.

Damages how aſcertained.

SEC. 4. *And it is hereby further enacted*, That if any toll-gatherer, or other perſon in the employment of ſaid corporation, ſhall unreaſonably delay, or hinder, any traveller, or paſſenger, at either of ſuch gates; or ſhall demand and receive more toll, than is by law allowed, ſuch perſon ſhall forfeit and pay a fine, not exceeding ten dollars, nor leſs than two dollars; to be recovered before any juſtice of the peace, proper to try the ſame, by any perſon thus delayed and injured, in a ſpecial action of the caſe. And the ſaid corporation ſhall be liable to pay all damages which may accrue to any perſon from whom toll is demandable, by any default

Penalty for delaying paſſengers.

Corpo. liable to pay all damages ariſing from want of repair.

or badneſs of a bridge, or want of repairs on ſaid road; and ſhall be alſo liable to preſentment by the grand jury, for not keeping ſaid road in repair; and no greater certainty ſhall be required, in ſuch preſentments, in deſcribing the place out of repair, than is required by the nineteenth ſection of an act, entitled "*An act reducing into one, the ſeveral acts for laying out, making, repairing, and clearing highways.*"

Liable to preſentment by G. jury.

SEC. 5. *And it is hereby further enacted*, That if any perſon ſhall cut, or break down, or otherwiſe wilfully deſtroy or damage either of ſaid gates, or ſigns, or ſhall dig up, or remove any timber, ſtone, or earth of ſaid road, or otherwiſe wantonly and wilfully damage the ſame; or ſhall forcibly paſs, or attempt by force to paſs either of ſaid gates, without firſt, having paid the legal toll, he ſhall forfeit and pay a fine not exceeding fifty dollars, nor leſs than one dollar: to be recovered by an action of treſpaſs, to the uſe of ſaid corporation. And if any perſon with his carriage, team, cattle, or beaſt, upon whoſe paſſing the gate, toll is made payable by this act, ſhall turn out of ſaid road, and again return on ſaid road, to travel on the ſame, with intent to evade the toll due by virtue of this act, ſuch perſon ſhall forfeit and pay five times ſo much as the legal toll would

Treſpaſſers on ſaid road penalty for.

Fine how recovered.

Penalty for paſſing round the gate to evade the toll.

have been; to be recovered, to the uſe of ſaid corporation, in an action on the caſe.

Sec. 6. *Provided nevertheleſs, and it is hereby further enacted,* That ſaid corporation ſhall not demand or receive toll of any perſon, who ſhall paſs with his horſe or carriage, to, or from public worſhip; or, with his horſe, team, or cattle, to, or from his common labour on his farm; or, to, or from any griſt, or neareſt ſaw-mill, or, on the ordinary and common buſineſs of family concerns, or, from any perſon paſſing on military duty.

Perſons exempt from toll.

Provided alſo, That ſaid corporation may, if they ſee proper, commute the rate of toll made payable by this act, with any perſon, by taking of ſuch perſon a certain ſum, by the month, or annually, to be mutually agreed upon, in lieu of the toll aforeſaid.

May commute the rate of toll.

Sec. 7. *And it is hereby further enacted,* That ſaid corporation ſhall, at each of their gates, erect, and keep conſtantly expoſed to view, a ſign, or board, with the rates or toll, of all tollable articles, fairly and legibly written thereon, in large or capital letters. And ſaid corporation ſhall alſo cauſe to be kept, on ſaid road, watering troughs, at convenient diſtances, with a ſufficient ſupply of water in the

Shall erect a ſign board with the rate of toll written thereon

Shall provide water troughs.

ſame, at fartheſt, not more than ten miles apart, for the convenience of travellers.

SEC. 8. *And it is hereby further enacted*, That the ſhares in ſaid turnpike company, ſhall be taken and deemed perſonal eſtate, to all intents and purpoſes; and may and ſhall be transferable, in ſuch manner as the corporation may, by their bye-laws direct and eſtabliſh. And when any ſhare ſhall be attached on meſne proceſs, an atteſted copy of ſuch proceſs ſhall be, at the time of the attachment, left with the clerk of the corporation, otherwiſe the attachment ſhall be void. And ſuch ſhares may be ſold on execution, in the ſame manner as is, or may be by law provided, for making ſale of perſonal eſtate on execution, the creditor leaving a copy of the execution, and the officer's return thereon, with the clerk of ſaid corporation, within fourteen days after ſuch ſale, and paying for recording the ſame. And ſuch ſhare or ſhares, ſo ſold as aforeſaid, ſhall, to all intents and purpoſes, veſt in the purchaſer.

Shares in ſaid road deemed perſ. property.

May be attached on meſne proceſs.

May be ſold on execution.

SEC. 9. *And it is hereby further enacted*, That when any proprietor ſhall neglect or refuſe to pay any tax, duly aſſeſſed by ſaid corporation, to their treaſurer, for more than twenty days after the time appointed for the payment thereof, the

Method of collecting taxes.

treaſurer is hereby authorized to ſell, at public vendue, the ſhare or ſhares of ſuch delinquent proprietor; under ſuch regulations as the ſaid corporation may, by their bye-laws direct. And ſuch purchaſer, on producing a certificate of ſuch ſale, from the treaſurer, to the clerk of ſaid corporation, in the name of ſuch purchaſer, with the number of ſhares ſo ſold, his name ſhall be, by the clerk, entered on the books of ſaid corporation, and he ſhall be conſidered, to all intents and purpoſes, the proprietor of ſuch ſhare or ſhares. And the overplus money, if any there be, ſhall be, by the treaſurer, paid over, on demand, to the perſon whoſe ſhare or ſhares ſhall have been thus ſold.

Corpor. to preſent a ſtatement of their acco. to ſupr. court.

and lodge the ſame in ſecretary's office.

To keep an acco. of their annual income.

To record their road in T. clerk's office.

SEC. 10. *And it is hereby further enacted*, That the ſaid corporation ſhall, within ſix months, after the ſaid road ſhall be completed, make out a correct ſtatement of all the expenditures thereof, and preſent the ſame to the judges of the ſupreme court, to be by them approved; after which, the ſame ſhall be immediately lodged in the office of the ſecretary of ſtate. And the ſaid corporation ſhall keep an account of their annual income, ariſing from the tolls on ſaid road, of which they ſhall render an account, to the governor and council of this ſtate, when, and ſo often as thereto required. And they ſhall alſo cauſe to be recorded, within ſix

months after the completion of said road, in the several town clerks' offices of the towns through which the road shall pass, a survey bill of the road, so far as it shall pass in each of such towns, respectively.

SEC. 11. *And it is hereby further enacted*, That there shall be a meeting of the said corporation holden at the house of *Thomas Taylor*, Esq. in *Wolcott*, in the county of *Orleans*, on the twenty second day of March next, at ten of the clock in the forenoon, for the purpose of choosing a clerk, treasurer, and such other officers as shall be judged necessary by said corporation. And the said corporation may then, and from time to time, make and establish such bye-laws and regulations, for the government, and well ordering the concerns and interests of the company, as to them shall appear necessary and proper; not inconsistant with the constitution and laws of this or the *United States*. Which bye-laws and regulations may, and shall include the mode of calling their future meetings.

First meeting when & where holden.

May establish bye laws and regulations.

SEC. 12. *And it is hereby further enacted*, That said corporation be, and they are hereby enabled to purchase and receive and hold lands, sufficient for the said road, and for the accommodation of their respective toll gatherers; and the same to transfer, under such regulations, as, by their bye-laws they shall direct.

May purchase and hold lands.

Limitation of the grant.

SEC. 13. *And it is hereby further enacted*, That at the expiration of thirty-five years from and after the completion of said road, the same shall revert to and become the property of this state.

When the road is to be completed.

SEC. 14. *And it is hereby further enacted*, That if the said corporation shall not make and complete, at least ten miles of said road, within two years from and after the passing of this act; and thereafter twelve miles annually, until the whole shall be completed, then this grant shall be void.

Proviso.

Provided, that when said corporation shall have completed the distance of ten miles, in one place, on said road, to the acceptance and approbation herein before provided, they shall have a right to erect one gate, and thereat receive the toll herein before provided; and thereafter, on the same principle and conditions, to continue the erection of their said gates. Which gates, when erected and fixed, shall not thereafter be removed.

Passed February 6, 1804.

A true Copy,

Attest, DAVID WING, Jun. *Secretary*.

Chapter 53.

An act making appropriation for the payment of the Debenture of the Le-

giſlature of this State, during the preſent adjourned ſeſſion, including the eonting ent expenſes thereof.

IT *is hereby enacted by the General Aſſembly of the State of Vermont*, That there be paid out of the treaſury of this ſtate, for the debenture of the Lieutenant Governor, and Council, including the eontingent expences thereof, the ſum of three hundred and eighty-ſix dollars and eight cents. For the debenture of the General Aſſembly, and the neceſſary officers, attending the ſame, including the Auditor of accounts againſt this ſtate, the ſum of four thouſand five hundred and forty-ſix dollars and ſeventy-eight cents. To *David Wing*, junior, *Anthony Haſwell*, *Thomas Tolman*, and *William Page*, junior, four dollars each for fire wood, room and candles. To the contingent expences, for fire wood, candles, &c. for the uſe of the General Aſſembly, nine dollars and eighty-four cents, which ſums amount in the whole to four thouſand nine hundred and fifty-eight dollars and ſeventy cents.

Treaſ. to pay deben. of Lt. Gov. & Coun'l D. 386 08.

Debn. of Gen. Aſſem. D 4,546 78 cts.

D Wing, jr. A Haſwell, T Tolman, & W. Page, jr. 4 doll each.

Contingent expenſes D 9 84.

Paſſed February 6, 1804.

A true Copy.

Atteſt, DAVID WING, Jun. *Secretary.*

INDEX.

A.

	Page.
Ackley Joseph vs. Timothy Lovell, new trial granted,	44
Appropriation, act of,	95
Amendment to the Constitution of the U. States ratified,	4

B.

Bates Jacob, actions suspended against three years,	52
Benson, treasurer to credit,	30
Briant William relieved,	49
Bridgwater, land tax on,	32
Bromley, altered to Peru,	34
Burke, votes and proceedings legalized,	15
Burlington-bay wharf company, act relating to,	19

C.

Caledonia turnpike company, incorporated,	66
Callender Nathaniel, jun. relieved from a bill of cost,	53
Certificates state, treasurer to issue,	37
Claghorn James relieved,	18
Clerks of the sup. and county courts, to indorse on execu's the nature of the actions on which judg. was ren'd,	10
Coit William, adm'r of empowered to convey lands,	62
Committee, to lay a cou. road from Rutland to Manchester,	16
Guildhall to Danville,	26
post or stage road from Burlington court house to Onion river,	19
to receive propofals for a work house,	7
Constitution of the U. S. amendment of ratified,	4
Corinth, jurisdictional line of eſtabliſhed,	45
County court, in Franklin county, when holden,	56
's power in granting licences,	59
line, between Orleans and Eſſex, deſignated,	12
road, from Guildhall to Danville, committee to lay,	26
Rutland to Manchester, com. to lay,	16
Courts ſupreme, may empower guardians to ſell the eſtate of their wards,	65

D.

Danville land tax, addition to,	38
Dead, remains of, penalty for diſturbing,	58

Debenture of the General Assembly, treasurer to pay, 95
Defamation of civil authority, in prosecutions for, truth may be given in evidence, 8
Derby, land tax on, 46

E.

Essex county gaol, U. S. prisoners may be confined in, 11
, tax on, 4
, proprietors of, empowered to divide their lands, 39
to complete their records, 41

F.

Fine for disturbing the remains of the dead, 58
Franklin county courts, when to be holden, 57

G.

Gaol Essex county, U. S. prisoners may be confined in, 11
Governor empow. to issue a new charter of Montpelier, 22
Green Mountain Road Lottery, managers of directed to draw the same, 34
Guardians power in settling the estate of their wards, 65

H.

Hartford, part of annexed to part of Pomfret for school pur. 54
Harrington Wm. C. emp. to deed lands of Wm. Coit deceased, 62
Halwell Anthony, treasurer to pay, 95

I. J.

Jackson Charles, new com. man on Mountholley land tax, 43
Jamaica land tax (addition to) 30
Inns, how licensed, 59
Justices of the peace, to indorse on executions the nature of the actions on which judgment was rendered, 10

L.

Libels, prosecutions on, Truth may be given in evidence, 8
Licences to tavern keepers, how granted, 59
Lottery Green Mountain, managers of, directed to draw the same, 34
Lovell Timothy vs. Joseph Ackley, a new trial granted, 44

M.

Managers of Green Mountain Road Lottery directed to draw the same, 34
Medical Society, a third, incorporated, 56
Meetings town, act in addition to, 13
Miller Eleazer's Executrix, empowered to sell lands, 10

Montgomery land tax, addition to, 20
Montpelier, a new charter of, to be iſſued, 22
Morgan, juriſdictional line of eſtabliſhed, 13
Mount-Holley land tax, addition to, 43

N.

Northern Turnpike Company, incorporated, 84

O.

Orange County, tax on, 41

P.

Page William jun. Treaſurer to pay, 95
Peru, Bromley altered to, 34
Pomfret, part of annexed to part of Hartford for ſchool purpoſes, 54
Poſt-Road from Burlington C. H. to Onion-River, committee to lay, 19

R.

Rams, towns may make bye-laws reſpecting, 13
Road County, from Guildhall to Danville, com. to lay, 26
Rutland to Mancheſter, com. to lay, 19
, Poſt, from Burlington C. H. to Onion-River, committee to lay, 19
, Turnpike, from Danville to Newbury, granted, 66
, Weathersfield granted, 75
from Lake Champlain to Connecticut River granted, 84
Royce Stephen, new coll'r of Montgomery land tax, 20

S.

Sheldon land tax, addition to, 48
Smith David, land to be deeded to, 47
Society, Medical, incorporated, 50
Spencer Abel, relieved, 18
Stanley Matthew, relieved, 61
Stone Deborah vs. Ithiel Stone, new trial, 63
Supreme Court, may empower guardians to ſell the eſtate of their wards, 65

T.

Tavern-keepers, how licenced, 59
Tax, land, on Bridgwater, 32
Danville, addition to, 38
Derby, 46
Jamaica, addition to, 36

Montgomery, new collector, 20
Mount-Holley, addition to, 43
Sheldon, addition to, 48
Williston, revived, 25
on Essex County, 3
Orange County, 41
Taylor Ann, empowered to sell lands, 19
Tinmouth, treasurer to credit, 31
Tolman Thomas, treasurer to pay, 95
Town Meetings, act relating to, 43
Treasurer directed to credit Benson, 30
Tinmouth, 31
Weathersfield, 29
issue certificates in payment of the debentures of the present session, 37
pay debentures of Gen. Assembly, 95
Anthony Haswell, ibid.
William Page, jun. ibid.
Thomas Tolman, ibid.
David Wing, jun. ibid.
Truth may be given in evidence in prosecutions on libels, 8
Turnpike, Caledonia, Company incorporated, 66
Northern, Company incorporated, 84
Weathersfield, Company incorporated, 75
Tuttle Josiah, new committee of Sheldon land tax, 48

U. V.

United States Constitution, amendments to, ratified, 4
Vershire, jurisdictional lines established, 45

W.

Wards, real estate of, method of selling, 65
Washington, votes and proceedings legalized, 54
Weathersfield, treasurer to credit, 29
Turnpike Company incorporated, 75
Wenlock, jurisdictional lines established, 12
Wharf at Burlington bay, act relating to, 19
Williams Sam'l, adm'r of to deed a certain piece of land, 47
Williston land tax, revived, 25
Wing David jun. treasurer to pay, 95
Workhouse, committee appointed to receive proposals for building, 7

Y.

Young Alexander, empowered to hold and convey lands within this state, 14